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SALUS POPULI SUPREMA LEX ESTO

*“The welfare of the people shall be the supreme law.”*



ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI  
REGISTER

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January 3, 2006 January 17, 2006	February 1, 2006 February 15, 2006	February 28, 2006 February 28, 2006	March 30, 2006 March 30, 2006
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June 1, 2006 June 15, 2006	July 3, 2006 July 17, 2006	July 31, 2006 July 31, 2006	August 30, 2006 August 30, 2006
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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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Washington University Washington University Law Library Campus Box 1171, Mudd Bldg., One Brookings Dr. St. Louis, MO 63130-4899 (314) 935-6443	Kansas City Public Library 14 West 10th Street Kansas City, MO 64105 (816) 701-3546	Library State Historical Society of Missouri 1020 Lowry St. Columbia, MO 65211-7298 (573) 882-9369	Springfield-Greene County Library 4653 S. Campbell Springfield, MO 65801-0760 (417) 874-8110
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Truman State University Pickler Memorial Library 100 E. Normal Kirksville, MO 63501-4221 (660) 785-7416	St. Joseph Public Library 927 Felix Street St. Joseph, MO 64501-2799 (816) 232-8151		

## HOW TO CITE RULES AND RSMo

**RULES**—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

**RSMo**—The most recent version of the statute containing the section number and the date.

**T**he Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2005.

## EXECUTIVE ORDER 06-14

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the State of Missouri; and

WHEREAS, there has been loss of life in Stoddard, Pemiscot and St. Louis Counties, 60 percent of Caruthersville was damaged with more than 25 injuries directly attributed to the storm system; and

WHEREAS, damage to the affected areas and loss of property and interruption of public services have occurred as a result of the severe weather beginning April 2, 2006; and

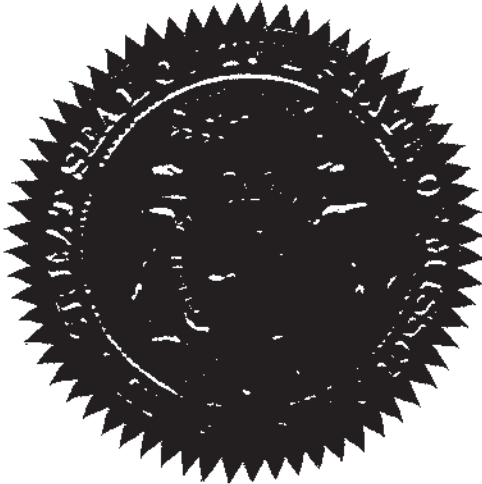
WHEREAS, the severe weather that began on April 2, 2006 and continues, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, protection of the safety and welfare of the citizens of the affected communities require an invocation of the provisions of Sections 44.100 and 44.110, RSMo.

NOW, THEREFORE, I MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of State agencies to provide support to the affected areas, as needed.

This order shall terminate on May 03, 2006, unless extended in whole or in part.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 3<sup>rd</sup> day of April, 2006.

A handwritten signature in black ink, reading "Matt Blunt". The signature is written in a cursive style with a large, stylized "M" and "B".

---

**Matt Blunt**  
**Governor**

**ATTEST:**

A handwritten signature in black ink, reading "Robin Carnahan". The signature is written in a cursive style with a large, stylized "R" and "C".

---

**Robin Carnahan**  
**Secretary of State**

**EXECUTIVE ORDER  
06-15**

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the State of Missouri; and

WHEREAS, there has been loss of life in Stoddard, Pemiscot and St. Louis Counties, 60 percent of Caruthersville was damaged with more than 25 injuries directly attributed to the storm system; and

WHEREAS, damage to the affected areas and loss of property and interruption of public services have occurred as a result of the severe weather beginning April 2, 2006; and

WHEREAS, the severe weather that began on April 2, 2006 and continues, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, protection of the safety and welfare of the citizens of the affected communities require an invocation of the provisions of Section 41.480.2, RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Section 41.480.2, RSMo, order and direct the Adjutant General of the State of Missouri, or his designee, to forthwith call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and it is further ordered and directed that the Adjutant General or his designee, and through him, the commanding officer of any unit or other organization of such organized militia so called into active service take such action and employ such equipment as may be necessary in support of civilian authorities, and provide such assistance as may be authorized and directed by the Governor of this State.

This order shall terminate on May 3, 2006, unless extended in whole or in part.





**ATTEST:**

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 3<sup>rd</sup> day of April, 2006.

A handwritten signature in black ink, reading "Matt Blunt".

---

**Matt Blunt**  
**Governor**

A handwritten signature in black ink, reading "Robin Carnahan".

---

**Robin Carnahan**  
**Secretary of State**



**EXECUTIVE ORDER  
06-16**

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the State of Missouri; and

WHEREAS, on April 3, 2006, I issued Executive Order 06-14, declaring a state of emergency for the severe weather that began on April 2, 2006; and

WHEREAS, I have been informed that severe storms also caused damage beginning on March 29, 2006; and

WHEREAS, the severe weather that began on March 29, 2006, and continuing, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, local officials are continuing to provide updated damage reports to the State Emergency Operations Center; and

WHEREAS, the citizens and communities of Missouri are still recovering from the effects of the March 2006 severe storms; and

WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Sections 44.100 and 44.110, RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on May 3, 2006, unless extended in whole or in part.



**ATTEST:**

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 3<sup>rd</sup> day of April 2006.

A handwritten signature in black ink, reading "Matt Blunt". The signature is written in a cursive style with a large, stylized "M" and "B".

**Matt Blunt**  
**Governor**

A handwritten signature in black ink, reading "Robin Carnahan". The signature is written in a cursive style with a large, stylized "R" and "C".

**Robin Carnahan**  
**Secretary of State**

**EXECUTIVE ORDER  
06-17**

WHEREAS, I have been advised by the Director of the State Emergency Management Agency that several severe storm systems causing damages associated with tornados, high winds, hail, and flooding have impacted communities across the State of Missouri; and

WHEREAS, on March 13, 2006 I issued Executive Order 06-12 declaring a state of emergency as a result of the severe weather that began on March 11, 2006; and

WHEREAS, I have been informed that severe storms also caused damage beginning on March 8, 2006; and

WHEREAS, the severe weather that began on March 8, 2006, has created a condition of distress and hazard to the safety, welfare, and property of the citizens of the State of Missouri beyond the capabilities of some local and other established agencies; and

WHEREAS, local officials are continuing to provide updated damage reports to the State Emergency Operations Center; and

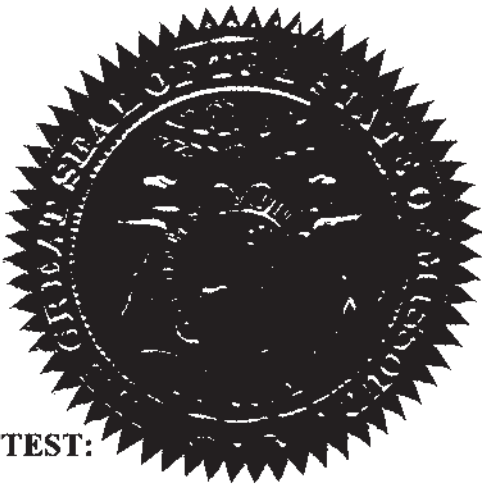
WHEREAS, the resources of the State of Missouri may be needed to assist affected jurisdictions and to help relieve the condition of distress and hazard to the safety and welfare of our fellow Missourians; and

WHEREAS, protection of the safety and welfare of the citizens of the State requires an invocation of the provisions of Sections 44.100 and 44.110, RSMo.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and Laws of the State of Missouri, including Sections 44.100 and 44.110, RSMo, do hereby declare that a State of Emergency exists in the State of Missouri. I do hereby direct that the Missouri State Emergency Operations Plan be activated.

I further authorize the use of state agencies to provide assistance, as needed.

This order shall terminate on May 3, 2006, unless extended in whole or in part.



**ATTEST:**

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 3<sup>rd</sup> day of April 2006.

A handwritten signature in black ink, reading "Matt Blunt", written over a horizontal line.

**Matt Blunt**  
**Governor**

A handwritten signature in black ink, reading "Robin Carnahan", written over a horizontal line.

**Robin Carnahan**  
**Secretary of State**

**EXECUTIVE ORDER**  
**06-18**

WHEREAS, Missouri has a current need to meet the public safety demands imposed by a continuing system of devastating storms throughout the state; and

WHEREAS, in this time of emergency the commitment expected of our state law enforcement authorities is anticipated to rapidly exhaust our ability to respond adequately; and

WHEREAS, the Missouri Division of Fire Safety, Department of Natural Resources, the Department of Conservation and numerous other state departments/agencies employ investigators, Park Rangers, and Conservation Agents who are certified Missouri peace officers currently possessing limited police authority in the State of Missouri; and

WHEREAS, those investigators, Park Rangers, and Conservation Agents have met the State of Missouri's training requirement for peace officers within the State of Missouri as provided in Chapter 590, RSMo and are located at strategic sites throughout the state where their services as fully empowered peace officers could be readily utilized in the interest of public safety and peace maintenance; and

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Chapter 44, RSMo, do hereby authorize the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in other Missouri peace officers pursuant to Chapter 590, RSMo during the period of this State declaration of emergency.

This order shall terminate on May 3, 2006, unless extended in whole or in part.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 3<sup>rd</sup> day of April 2006.



A handwritten signature in black ink that reads "Matt Blunt".

**Matt Blunt**  
**Governor**

**ATTEST:**

A handwritten signature in black ink that reads "Robin Carnahan".

**Robin Carnahan**  
**Secretary of State**

**EXECUTIVE ORDER**  
**06-19**

WHEREAS, I have been advised by the Director of the Missouri State Emergency Management Agency that a natural disaster of significant proportions has occurred in Missouri, which has been affected by severe weather; and

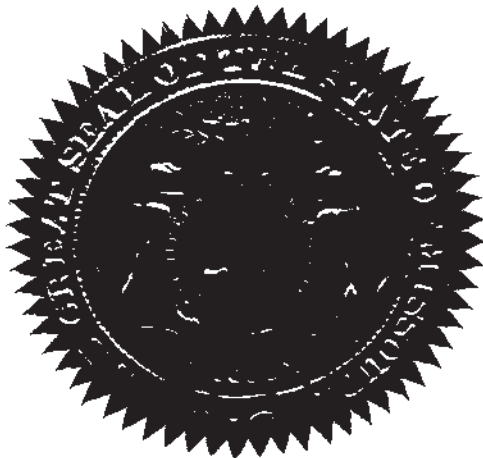
WHEREAS, the severe weather that began on March 29, 2006, has created a condition of distress and hazards to the safety and welfare of the citizens of the State of Missouri beyond the capabilities of some local jurisdictions, and other established agencies; and

WHEREAS, the Missouri Department of Natural Resources is charged by law with protecting and enhancing the quality of Missouri's environment and with enforcing a variety of environmental rules and regulations; and

WHEREAS, to respond to the emergency and to expedite the cleanup and recovery process, it is necessary to adjust certain environmental rules and regulations on a temporary and short-term basis.

NOW, THEREFORE, I, MATT BLUNT, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by Chapter 44, RSMo, do hereby issue the following order:

The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the interest of the public health and safety during the period of the emergency and the subsequent recovery period. The authority granted by the Order shall remain in effect for the duration of the emergency.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri in the City of Jefferson on this 3<sup>rd</sup> day of April, 2006.

  
Matt Blunt  
Governor

ATTEST:

  
Robin Carnahan  
Secretary of State



**U**nder this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

**E**ntirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

**A**n important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

**I**f an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

**A**n agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

**I**f an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

certified public accounting firms who have been found to have violated the provisions of Chapter 326, RSMo; and

(6) The board shall hold regular meetings as determined by the board. The annual meeting of the board shall be held between May 1 and July 31 of each year. Four (4) voting members of the board shall constitute a quorum at any meeting. Information as to the dates and place of meetings can be obtained by contacting the Executive Director, PO Box 613, Jefferson City, MO 65102-0613, (573) 751-0012 or [\*\[www.ded.state.mo.us/pr/account\]\*](http://www.ded.state.mo.us/pr/account/) [\*www.pr.mo.gov/accountancy.asp\*](http://www.pr.mo.gov/accountancy.asp).

(8) Any person may contact the Missouri State Board of Accountancy, PO Box 613, Jefferson City, MO 65102-0613, (573) 751-0012 or [\*\[www.ded.state.mo.us/pr/account\]\*](http://www.ded.state.mo.us/pr/account/) [\*www.pr.mo.gov/accountancy.asp\*](http://www.pr.mo.gov/accountancy.asp) for information and application forms or to register a complaint involving the public accounting profession as provided in 4 CSR 10-1.030.

*AUTHORITY: sections 326.256, 326.259.4, 326.262, 326.268.1 and 326.319, RSMo Supp. [2003] 2005. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Dec. 7, 1982, effective March 11, 1983. Amended: Filed Aug. 3, 1988, effective Nov. 24, 1988. Amended: Filed Nov. 13, 1992, effective June 7, 1993. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed Feb. 1, 1996, effective July 30, 1996. Amended: Filed April 5, 2004, effective July 30, 2004. Amended: Filed April 3, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Proposed Amendment Text Reminder:

**Boldface text indicates new matter.**

*[Bracketed text indicates matter being deleted.]*

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 10—Missouri State Board of Accountancy Chapter 1—Organization and Description of Board

#### PROPOSED AMENDMENT

**4 CSR 10-1.010 General Organization.** The board is proposing to amend subsection (5)(E) and sections (6) and (8).

*PURPOSE: This rule is being amended to clarify the language in subsection (5)(E) and update the board's website address in sections (6) and (8).*

(5) The board has superintending control over the practice of accounting in Missouri and its primary duties consist of—

(E) Disciplinary action including sanctioning of **practice rights**, certificates, licenses, and permits of certified public accountants and

## Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

### Division 10—Missouri State Board of Accountancy Chapter 1—Organization and Description of Board

#### PROPOSED AMENDMENT

**4 CSR 10-1.020 Board Compensation.** The board is proposing to amend section (1).

*PURPOSE: This rule is being amended to remove language that is outdated.*

(1) Each member of the Missouri State Board of Accountancy shall receive as compensation the sum of fifty dollars (\$50) for each day that any member devotes to the affairs of the board. *[, except any member whose term of office began before September 28, 1977 who shall receive as compensation the sum of twenty-five dollars (\$25) for each day that member devotes to the affairs of the board.]*

*AUTHORITY: sections [326.110, RSMo Supp. 1993 and*



*326.200, RSMo 1986/ 326.268 and 326.271, RSMo Supp. 2005. Emergency rule filed Sept. 9, 1981, effective Sept. 19, 1981, expired Dec. 10, 1981. Original rule filed Sept. 9, 1981, effective Dec. 11, 1981. Amended: Filed July 13, 1993, effective Jan. 31, 1994. Amended: Filed April 3, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 10—Missouri State Board of Accountancy Chapter 1—Organization and Description of Board**

#### **PROPOSED RULE**

##### **4 CSR 10-1.050 Board Subpoena Power**

*PURPOSE: This rule establishes a procedure for the power, handling and disposition of subpoenas issued by the board, pursuant to the mandate of section 326.262, RSMo.*

(1) The executive director or his/her designee shall have the power to issue a subpoena or to summon on behalf of the board as necessary for the attendance and testimony of any witness, and shall have the power to issue a subpoena duces tecum for the production of any book, paper, document or thing.

(2) The board as an administrative body having superintending control over the practice of public accounting in Missouri shall have the power of subpoena and this power of subpoena shall exist in all manner necessary with respect to complaints, investigations, disciplinary actions, or in the course of pursuing settlement. The board's power of subpoena shall not be interpreted as superceding or removing the limitations set forth in section 326.289.13, RSMo.

(3) In lieu of requiring attendance of a person to produce original documents in response to a subpoena duces tecum, the board may require sworn copies of such documents to be filed with it or delivered to its designated representative.

(4) In the course of any board investigation of a licensee, the board may subpoena client work papers or client communications maintained by a licensee that relate to and are in connection with services rendered to the client by the licensee or, alternatively, are material to the defense of the licensee.

(5) Information obtained by subpoena shall be considered a closed record of the board pursuant to 326.295, RSMo, unless otherwise provided by law, and except for use only in the proceeding of the matter for which such material was obtained.

(6) The board may enforce its subpoenas, including subpoenas duces tecum, by applying to the circuit court of Cole County, the county of the investigation, hearing or proceeding, or any county where the

person resides or may be found, for an order upon any person or firm who shall fail to obey a subpoena to show cause why such subpoena should not be enforced, which such order and a copy of the application therefore shall be served upon the person or firm in the same manner as a summons in a civil action, and if the circuit court shall, after a hearing, determine that the subpoena should be sustained and enforced, such court shall proceed to enforce the subpoena in the same manner as though the subpoena had been issued in a civil case in the circuit court.

*AUTHORITY: sections 326.262 and 326.268, RSMo Supp. 2005. Original rule filed April 3, 2006.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately twenty-six dollars and thirty-four cents (\$26.34) annually for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 1 - Organization and Description of Board

Proposed Rule - 4 CSR 10-1.050 Board Subpoena Power

Prepared February 15, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri State Board of Accountancy	\$26.34
<b>Total Annual Cost of Compliance for the Life of the Rule</b>	
	<b>\$26.34</b>

III. WORKSHEET

The executive director or his designee shall have the power to issue a subpoena or to summon on behalf of the board as necessary for the attendance and testimony of any witness, and shall have the power to issue a subpoena duces tecum for the production of any book, paper, or document. (4) In the course of any board investigation of a licensee, the board may subpoena client work papers or client communications maintained by a licensee that relate to and are in connection with services rendered to the client by the licensee or, alternatively, are material to the defense of the licensee. The Clerk II will spend approximately 15 minutes entering the information into the division's licensing system and the Executive Director will spend 30 minutes reviewing and signing the documentation. It is anticipated that the Auditor Investigator could spend a varying amount of time processing and serving the subpoena depending on where the individual to be served is located at in the state. However, for the purpose of this fiscal note, the board is estimating an average of 4 hours will spent per subpoena.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive Director	\$61,320	\$91,299.35	\$43.89	\$0.73	30 minutes	\$21.95	\$21.95
Auditor Investigator	\$40,848	\$60,818.59	\$29.24	NA	4 hours	\$116.96	\$116.96
Clerk II	\$22,272	\$33,160.78	\$15.94	\$0.27	15 minutes	\$3.99	\$3.99

**Total Personal Service Costs \$25.93**

Expense and Equipment Dollars for Initial Applications

Letterhead and Paper	\$0.25
Envelope for Mailing Application	\$0.16
<b>Total Expense and Equipment Cost</b>	<b>\$0.41</b>

**Total Expense and Equipment Costs \$0.41**

IV. ASSUMPTION

1. The above figures were based on FY06 projections.
2. The board anticipates that the majority of subpoenas will be served in conjunction with another investigation, therefore, no expenses for lodging or meals are included in this fiscal note.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 10-2.005 Definitions.** The board is proposing to amend subsection (6)(A).

*PURPOSE:* This rule is being amended to provide additional clarity.

(6) Practice of public accounting means:

(A) Performing or offering to perform for an enterprise, client or potential client one (1) or more services involving the use of accounting or auditing skills or one (1) or more management advisory or consulting services or the preparation of tax returns or the furnishing of advice on tax matters by a person or firm using the title **Certified Public Accountant**, or "CPA" in signs, advertising, directory listings, business cards, letterheads, or other public representations, except that this shall not contradict section 326.292, RSMo;

*AUTHORITY:* sections 326.256, [and] 326.262, and 326.26, RSMo Supp. [2003] 2005. Original rule filed July 3, 1975, effective Aug. 25, 1975. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 3, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED RESCISSION**

**4 CSR 10-2.022 Provisional License to Practice.** This rule set forth requirements for practice privilege of substantial equivalency and provisional licensure for certified public accountants from other states who want to practice public accounting in Missouri but who were not relocating to the state.

*PURPOSE:* This rule is being rescinded and readopted to provide for interstate practice without notification to the board for certified public accountants from other states who are not relocating to this state and whose accountancy statutes are substantially equivalent to Missouri, or certified public accountants whose individual qualifications meet the requirements to be considered substantially equivalent and provisionally licensed in Missouri.

*AUTHORITY:* sections 326.256.1(9) and 326.283.1(1), RSMo Supp. 2002. Emergency rule filed Nov. 15, 2001, effective Nov. 25, 2001, expired May 23, 2002. Original rule filed Nov. 15, 2001, effective

June 30, 2002. Amended: Filed Nov. 13, 2002, effective June 30, 2003. Rescinded: Filed April 3, 2006.

*PUBLIC COST:* The proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* The proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT**

**Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED RULE**

**4 CSR 10-2.022 Provisional License to Practice and Practice Privilege**

*PURPOSE:* This rule sets forth requirements for practice privilege of certified public accountants from other states who are not relocating to this state and whose accountancy statutes are substantially equivalent to Missouri, or certified public accountants whose individual qualifications meet the requirements to be considered substantially equivalent and provisionally licensed in Missouri.

(1) An individual, whose principal place of business is not in this state, and:

(A) Who has a valid and unrestricted license to practice public accounting from any state whose licensing requirements are determined by the board to be substantially equivalent to the Missouri Accountancy Act; or

(B) Who has a valid and unrestricted license to practice public accounting from any state and whose individual qualifications are determined by the board or National Association of State Boards of Accountancy (NASBA) National Qualification Appraisal Service to be substantially equivalent to the licensure requirements of the Missouri Accountancy Act; or

(C) Who has a valid and unrestricted license to practice public accounting from any state, and has practiced as a licensed certified public accountant outside of this state, with experience of the type described in section 326.286.3, RSMo, for a minimum of four (4) years within the immediately preceding ten (10) years, provided that the applicant has a minimum of a bachelor's degree from an accredited college or university and has passed the uniform certified public accountant examination;

Shall be presumed to have qualifications substantially equivalent to this state's requirements and shall have all the practice privileges of a licensee of this state, and by entering or practicing in this state will be considered a provisional licensee of this state.

(2) Any individual who has a valid but restricted license that otherwise meets the provisions of section (1), shall apply to the board in writing, on a provisional licensure form provided by the board, for practice privilege.

(3) By entering and practicing public accounting in this state, in person or through electronic means or in any other manner, the provisional licensee shall be considered to have notified this state and shall

be required to conform to, and comply with, Missouri statutes and rules.

(4) To provide compilation, review or attest services, a provisional licensee must do so through a firm holding a current permit to practice in this state.

(5) A provisional licensee shall be subject to the provisions of section 326.310, RSMo.

(6) The lack of a Missouri license, provisional or otherwise, shall not prevent the board from having disciplinary authority over any individual practicing public accounting in Missouri.

*AUTHORITY: sections 326.256.1(9), 326.283.1(1) and 326.286.3, RSMo Supp. 2005. Emergency rule filed Nov. 15, 2001, effective Nov. 25, 2001, expired May 23, 2002. Original rule filed Nov. 15, 2001, effective June 30, 2002. Amended: Filed Nov. 13, 2002, effective June 30, 2003. Rescinded and readopted: Filed April 3, 2006.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately two thousand nine hundred twelve dollars and sixty-five cents (\$2,912.65) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 4 - Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 2 - General Rules

Proposed Rule - 4 CSR 10-2.022 Provisional License to Practice &amp; Practice Privilege

Prepared February 15, 2006 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri State Board of Accountancy	\$2,912.65
<b>Total Annual Cost of Compliance for the Life of the Rule</b>	
	<b>\$2,912.65</b>

## III. WORKSHEET

Applications are received and processed by the board. The Account Clerk II will deposit the money; the Licensure Technician I will process the application; the Administrative Office Support Assistant will review and approve the application; and the Executive Director will perform the final review and approval.

The board estimates staff will spend the following time per application: Account Clerk II - 30 minutes; Licensure Technician I - 30 minutes; Administrative Office Support Assistant - 10 minutes; and the Executive Director - 10 minutes. The figures below represent costs paid by the State Board of Accountancy for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Executive Director	\$61,320	\$91,299.35	\$43.89	\$0.73	10 minutes	\$7.32	\$1,097.35
Administrative Office Support Assistant	\$24,660	\$36,716.27	\$17.65	\$0.29	10 minutes	\$2.94	\$441.30
Account Clerk II	\$22,272	\$33,160.78	\$15.94	\$0.27	30 minutes	\$7.97	\$1,195.70
Licensure Technician I	\$ 20,556	\$30,605.83	\$14.71	\$0.25	30 minutes	\$7.36	\$1,103.58

**Total Costs**                    **\$2,912.65**

## IV. ASSUMPTION

1. The above figures were based on FY05 actuals and FY06 projections. The board anticipates the number of provisional applications will remain constant for the life of the rule.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.



**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 10-2.041 Eligibility Requirements for the CPA Examination.** The board is proposing to amend subsections (2)(A) and (2)(C) and sections (5) and (6).

*PURPOSE: This rule is being amended to provide additional clarity regarding the number of hours required and type of courses needed to meet eligibility requirements. This amendment also updates course information and the name of the accreditation program.*

(2) The equivalent of a concentration in accounting shall be determined in the following manner:

(A) For candidates who sat for the examination for the first time prior to May 1996, thirty-six (36) semester hours or fifty-four (54) quarter hours of accounting and other related courses are required. At least eighteen (18) semester hours or twenty-seven (27) quarter hours shall be accounting courses with at least one (1) course in auditing. The remaining eighteen (18) semester hours or twenty-seven (27) quarter hours shall be in accounting or other areas of business administration such as business law, tax, statistics, economics, finance, marketing, management, *[data processing]* **information technology** and business communications. These courses shall be taken at an accredited college or university recognized by the board.

(C) For candidates whose applications for the initial examination were postmarked on or after June 30, 1999, the concentration or major in accounting, or the equivalent of a concentration in accounting shall be sixty (60) semester hours or ninety (90) quarter hours of accounting and other related courses. At least *[twenty-seven (27)]* **thirty-three (33)** semester hours or *[forty (40)]* **fifty (50)** quarter hours shall be accounting courses with at least one (1) course in auditing and at least eighteen (18) semester hours or twenty-seven (27) quarter hours of accounting courses taken at the upper division level. *[Introductory accounting courses will not be credited toward the required number of hours of accounting courses, but may be credited toward the other related courses.]* For the purposes of this rule “upper division level” courses shall mean courses taken beyond the elementary level. The remaining *[thirty-three (33)]* **twenty-seven (27)** semester hours or *[fifty (50)]* **forty (40)** quarter hours shall be in accounting or other areas of business administration such as business law, statistics, economics, finance, marketing, management, *[data processing]* **information technology** and business communications. These courses shall be taken at an accredited college or university recognized by the board.

(5) An applicant who satisfies the requirements of section 326.280.1(1), (2) and (3), RSMo shall be eligible to take the examination if the applicant reasonably expects to satisfy the educational requirements of *[section 326.280.1(4), RSMo]* **this rule** within sixty (60) days after the examination. No license shall be issued or credit for the examination issued unless the educational requirements are, in fact, met within the sixty (60)-day period.

(6) Any university or college accredited by the Middle States Association of Colleges and Schools, New England Association of Schools and Colleges, North Central Association of Colleges and Schools, *[Northwest Association of Schools and Colleges]* **Northwest Commission on Colleges and Universities**, Southern Association of Colleges and Schools or Western Association of Schools and Colleges is recognized by the board and will satisfy the requirements of section 326.280.1, RSMo and this rule. The board may recognize as accredited, any university or college accepted by

two (2) or more states for the purpose of allowing a candidate to sit for the certified public accountant examination.

*AUTHORITY: sections 326.262 and 326.280.1, RSMo Supp. [2003] 2005. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. For intervening history, please consult the Code of State Regulations. Amended: Filed April 3, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 10-2.051 Registration of Certified Public Accounting Firms.** The board is proposing to amend sections (4) and (8).

*PURPOSE: This amendment provides clarity to the text of the rule.*

(4) All out-of-state certified public accounting firms that practice public accounting in this state must obtain a permit to practice. All partners, members, shareholders and employees of these firms, who practice in this state, must obtain a license or be a provisional licensee to practice *[issued]* under Chapter 326, RSMo. There must be at least one (1) active individual Missouri certified public accountant (CPA) licensee or Missouri CPA provisional licensee in the firm for the firm’s permit to be considered active.

(8) Each certified public accounting firm shall attest that all employees, representatives, *[and]* agents, *[practicing public accounting in Missouri and all Missouri]* resident partners, members, managers, and shareholders of certified public accounting firms **practicing public accounting in Missouri** who *[hold]* have held a Missouri certificate/s/ issued under prior law or any individual who received an initial license **on or** after August 28, 2001 hold an active Missouri license to practice in a certified public accounting firm.

*AUTHORITY: sections 326.262 and 326.289, RSMo Supp. [2003] 2005. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed March 14, 1984, effective July 12, 1984. Amended: Filed Oct. 13, 1993, effective May 9, 1994. Amended: Filed April 5, 2004, effective July 30, 2004. Amended: Filed April 3, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED RULE**

**4 CSR 10-2.065 Requirements for Licensure through Reciprocity**

*PURPOSE: This rule clarifies the requirements for licensure of out-of-state applicants who are relocating to Missouri.*

(1) The board may issue a license to applicants who have a current certificate or license in another state or have a current foreign certificate or license that is acceptable to the board, and shall meet the following conditions:

(A) Meets the eligibility requirements to sit for the Uniform Certified Public Accountant (CPA) examination as prescribed in 4 CSR 10-2.041; or

(B) Has passed the Uniform CPA examination; and

(C) Has successfully completed a written examination in professional ethics acceptable to the board as prescribed in 4 CSR 10-2.061(6); and

(D) Has met the experience requirements as prescribed in 4 CSR 10-2.061.

(2) The board may issue a license to an out-of-state applicant who:

(A) Has had four (4) years of experience, as a licensed certified public accountant, outside of this state, of the type described in subdivision 326.280.1(6), RSMo within the ten (10) years immediately preceding the application;

(B) Has passed the Uniform CPA examination;

(C) Has successfully completed a written examination in professional ethics acceptable to the board as prescribed in 4 CSR 10-2.061(6);

(D) Has met the continuing education requirements in the state of licensure; and

(E) Has a minimum of a bachelor's degree from an accredited college or university.

(3) If the applicant for licensure sat and passed the examination in another state but is not a current certificate or license holder in that state, he or she shall meet the requirements as prescribed in section (1) of this rule and will be required to submit all information on forms provided by the board and pay the initial reciprocity fee.

*AUTHORITY: section 326.262, RSMo Supp. 2005. Original rule filed April 3, 2006.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately two thousand five hundred fifteen dollars and sixty-six cents (\$2,515.66) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities approximately forty-three thousand eight hundred forty-six dollars and eighty cents (\$43,846.80) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*ipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



PUBLIC ENTITY FISCAL NOTE

**I. RULE NUMBER**

Title 4 -Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 2 - General Rules

Proposed Rule - 4 CSR 10-2.065 Requirements for Licensure through Reciprocity

Prepared February 15, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri State Board of Accountancy	\$2,515.66
Total Annual Cost of Compliance for the Life of the Rule	
	\$2,515.66

**III. WORKSHEET**

Applications are received and processed by the board. The Account Clerk II will deposit the money; the Licensure Technician I will process the application and update the division's licensing system; the Administrative Office Support Assistant will review and approve the application; and the Executive Director will perform the final review and approval.

The board estimates staff will spend the following time per application: Account Clerk II - 15 minutes; Licensure Technician I - 1 hour; and Administrative Office Support Assistant - 10 minutes. The figures below represent costs paid by the State Board of Accountancy for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Administrative Office Support Assistant	\$24,660	\$36,716.27	\$17.65	\$0.29	10 minutes	\$2.94	\$353.04
Account Clerk II	\$22,272	\$33,160.78	\$15.94	\$0.27	15 minutes	\$3.99	\$478.28
Licensure Technician I	\$22,620	\$33,678.92	\$16.19	\$0.27	1 hour	\$16.19	\$1,943.01

Total Personal Service Costs \$2,296.06

**Expense and Equipment for Initial Applications**

Application Printing	\$0.25
Envelope for Mailing Application	\$0.16
Postage for Mailing Application	\$0.32
Printing Wallhanging License	\$0.35
Envelope for Mailing Wallhanging	\$0.16
Postage for Mailing Wallhanging	\$0.59
<b>Total Expense and Equipment Cost per Application:</b>	<b>\$1.83</b>

Total Expense and Equipment Costs (for 120 applications) \$219.60

**IV. ASSUMPTION**

- Currently the board process approximately 120 applications annually. However, this number could decrease with the implementation of the proposed amendment to 4 CSR 10-2.022 should a person not be physically relocating to Missouri.
- It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 4 -Department of Economic Development****Division 10 - Missouri State Board of Accountancy****Chapter 2 - General Rules****Proposed Rule - 4 CSR 10-2.065 Requirements for Licensure through Reciprocity**

Prepared February 15, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
120	Applicants (Licensure by Reciprocity - S365)	\$43,800.00
120	Licensees (postage @ \$.39)	\$46.80
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$43,846.80</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. Currently the board process approximately 120 applications annually. However, this number could decrease with the implementation of the proposed amendment to 4 CSR 10-2.022 should a person not be physically relocating to Missouri.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 10-2.070 Renewal of Licenses.** The board is proposing to amend sections (2)–(4), delete section (5), renumber the remaining sections and amend the newly renumbered section (6).

*PURPOSE:* This amendment provides clarification concerning the violations that must be reported to the board, adds the Public Company Accounting Oversight Board to the list of agencies required to receive discipline reports from licensees and clarifies who is required to hold a license.

(2) Each certified public accountant (CPA) shall provide the board with the following information at the time of application for renewal of his or her individual license to practice:

(E) Details regarding any conviction of any criminal offense other than a minor traffic violation **whether or not a sentence is imposed or executed;**

(F) Details regarding any suspension, revocation or cancellation of the certificate or permit to practice by any jurisdiction; details regarding any suspension, revocation or restriction of his or her right to practice by the Internal Revenue Service, Securities Exchange Commission, **Public Company Accounting Oversight Board**, or any other federal or state agency;

(H) Details regarding any willful violation of the rules and standards of professional conduct governing the practice of public accounting; *[and]*

**(I) Each licensee shall report to the board any revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action to practice any profession regulated by this chapter, or by another state, territory, federal agency or country, whether voluntarily agreed to by the certified public accountant or applicant, including but not limited to the denial of licensure, surrender of a license, allowing a license to expire or lapse, or discontinuance or limitation of a professional practice while subject to an investigation or while actually under investigation by any licensing authority, branch of the armed forces of the United States of America, court, agency of the state or federal government; and**

*[(I)]* **(J) Each licensee shall notify the board in writing within thirty (30) days of any change in subsections (1)(A) through (1)(I) above occurring during the *[renewal]* licensing period.**

(3) All employees, representatives, *[and]* agents, *[practicing public accounting in Missouri and all Missouri]* resident partners, members, managers, and shareholders of certified public accounting firms **practicing public accounting in Missouri** who *[hold]* **have held** a Missouri certificate[s] issued *[under]* prior *[law]* **to August 28, 2001 or *[any individual]* who received an initial license on or after August 28, 2001 *[is]* are** required to have an active Missouri license to practice in a certified public accounting firm.

(4) License renewal applications will be mailed to each licensee at the last known address at least *[thirty (30)]* **sixty (60)** days before the license expiration date. Failure to receive this notice does not relieve the licensee of the obligation biennially to renew the license to practice.

*[(5)]* **An applicant who has allowed his or her license to expire because he or she was not employed in public accounting in Missouri and who is reentering the practice of public accounting in Missouri shall apply for a license to practice within sixty (60) days of the date he or she reenters public**

*accounting. If an application for a license to practice is not received by the board within sixty (60) days after the date the applicant reenters the practice of public accounting in Missouri, the applicant is required to pay the license fee plus a delinquent fee.]*

*[(6)]* **(5)** Before a current license to practice will be issued, an applicant must pay all required fees and penalties, *[which he or she has not paid previously, for all years]* **including any fees and penalties owed for periods during which** the applicant was engaged in the practice of public accounting in Missouri. No license shall be issued or reinstated until all required fees and penalties are paid by the applicant.

*[(7)]* **(6)** The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.

*AUTHORITY:* sections 326.262, 326.286 and 620.010.15(2), RSMo Supp. [2003] 2005. Original rule filed Sept. 11, 1974, effective Sept. 21, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed April 3, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 10-2.072 Renewal of a Certified Public Accounting Firm Permit.** The board is proposing to amend section (3).

*PURPOSE:* This amendment increases the number of days the board will mail a renewal notice to the licensee prior to renewal.

(3) Permit renewal applications will be mailed to each applicant at the last known address, provided to the board, at least *[thirty (30)]* **sixty (60)** days before the permit expiration date. Failure to receive this notice does not relieve the firm of the annual obligation to renew the permit to practice. Failure to renew timely may cause the board to assess additional penalties as provided in 4 CSR 10-2.160.

*AUTHORITY:* sections 326.262 and 326.289, RSMo Supp. [2003] 2005. Original rule filed April 5, 2004, effective July 30, 2004. Amended: Filed April 3, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 10—Missouri State Board of Accountancy Chapter 2—General Rules**

#### **PROPOSED AMENDMENT**

**4 CSR 10-2.075 Reinstatement of License to Practice.** The board is proposing to amend sections (1), (3) and (4).

**PURPOSE:** This rule is being amended to decrease the number of continuing professional education (CPE) that is needed for reinstatement.

(1) The board *[shall not]* **may** reinstate the license of any licensee *[unless—]* **provided:**

(A) That person submits evidence to the board that he or she has completed *[one hundred twenty (120)]* **forty (40)** hours of continuing professional education (CPE) during the *[three (3) years]* **twelve (12) months** previous to making application for reinstatement of the license *[with not less than twenty (20) hours in the year immediately preceding the date of application for reinstatement];* or

(B) That person agrees to *[a regular program to]* obtain the required *[one hundred twenty (120)]* **forty (40)** hours of continuing professional education within *[one (1) year]* **sixty (60) days** of applying for reinstatement. **Continuing professional education taken within sixty (60) days before or after applying for reinstatement may be used to meet the requirement for the first year of licensure.**

(3) Continuing education courses required under sections (1) and (2) of this rule shall comply with the provisions of the current continuing education requirements as set forth in 4 CSR 10-4.011.010 to 4 CSR 10-4.041. The forty (40) hours required in subsections (1)(A) and (B) above shall include a minimum of two (2) hours taken in the area of ethics.

(4) *[No license]* **An applicant for reinstatement who has been practicing public accounting in Missouri without a license shall not be reinstated until [the applicant] he or she pays all required fees and penalties, which he or she has not paid previously, and fulfills the continuing professional education requirement or agrees to obtain the required hours of continuing professional education within one (1) year of reinstatement,** for any periods during which he or she was practicing public accounting in Missouri.

**AUTHORITY:** sections 326.262, 326.286, 326.310 and 326.316, RSMo Supp. [2003] 2005 and 620.149, RSMo 2000. Original rule filed June 13, 1984, effective Oct. 11, 1984. Amended: Filed July 15, 1985, effective Dec. 12, 1985. Amended: Filed Jan. 26, 1995, effective July 30, 1995. Amended: Filed Sept. 4, 1996, effective March 30, 1997. Amended: Filed April 5, 2004, effective July 30, 2004. Amended: Filed April 3, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 10—Missouri State Board of Accountancy Chapter 2—General Rules**

#### **PROPOSED RESCISSION**

**4 CSR 10-2.130 Applications for Examination.** This rule provided the applicant with necessary information regarding the actual procedures relating to the applications for the certified public accountant examination.

**PURPOSE:** This rule is being rescinded and readopted due to the examination moving from paper and pen to a computer based test. New language is needed to provide clarification to applicant regarding the process of submitting the application for computerized testing.

**AUTHORITY:** sections 326.262, 326.268 and 326.286, RSMo Supp. 2003. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Dec. 7, 1982, effective March 11, 1983. Amended: Filed March 14, 1984, effective July 12, 1984. Amended: Filed Feb. 5, 1990, effective June 28, 1990. Amended: Filed June 10, 1998, effective Dec. 30, 1998. Amended: Filed April 5, 2004, effective July 30, 2004. Rescinded: Filed April 3, 2006.

**PUBLIC COST:** This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rescission will not private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 10—Missouri State Board of Accountancy Chapter 2—General Rules**

#### **PROPOSED RULE**

**4 CSR 10-2.130 Applications for Examination**



**PURPOSE:** *This rule provides the applicant with necessary information regarding the actual procedures relating to the applications for the certified public accountant examination.*

(1) Persons desiring to take the examination shall apply on forms provided by the board and obtainable from the firm which administers the examination for the board, CPA Examination Services (CPAES). The forms are available online at [www.nasba.org](http://www.nasba.org) or by calling CPA Examination Services at 800-CPA-EXAM or 615-880-4250. Different application forms are provided for initial examination and reexamination candidates.

(2) Initial applications must be completed by candidates who:

(A) Have never taken the examination;

(B) Have previously taken the examination as candidates in another state but who have not earned credit;

(C) Have previously taken the examination as candidates of another state and wish to transfer credit to this state; or

(D) Have previously applied as candidates of this state and were found eligible but who have not yet taken the examination.

(3) Applicants transferring credit(s) from another jurisdiction into Missouri are responsible for completing the Authorization for Transfer of the Uniform CPA Examination Grades form. The form must be completed and submitted to CPAES. This form may be obtained online at [www.nasba.org](http://www.nasba.org) or by calling CPA Examination Services at 800-CPA-EXAM or 615-880-4250.

(4) A candidate who has been found qualified to take the examination and fails to pass the examination shall remain qualified to apply for reexamination if the candidate in the meantime has not committed an act which is grounds to refuse to issue a license under section 326.310, RSMo. Only those candidates who have taken at least one (1) part of the examination as a Missouri candidate may apply using a reexamination form. Applicants wishing to apply for reexamination must call 1-800-CPA-Exam or register online at [www.nasba.org](http://www.nasba.org) and pay the appropriate fee.

(5) Items which constitute a complete initial application are: a completed and notarized application form, the appropriate fee, one (1) recent two-inch by two-inch (2" x 2") passport-type photograph of the applicant, official transcripts from each institution at which original credit towards the educational requirements was earned, completed certificate of enrollment, if applicable and authorization for transfer form if required by section (3) above. The applicant is responsible for insuring that transcripts are received by CPAES at least thirty (30) days before the examination or the application will be considered incomplete.

(6) Applicants who are applying for examination under the provisions of section 326.280, RSMo and who expect to satisfy the educational requirements within sixty (60) days after the examination also must submit a certificate of enrollment as required by 4 CSR 10-2.135. The applicant is responsible for insuring that the certificate of enrollment is received by CPAES at least thirty (30) days before the date of the examination or the application will be considered incomplete.

(7) In accordance with the provisions of the Americans with Disabilities Act, examination administration modifications are available for applicants who qualify. Such applicants must obtain an official modification form from CPAES. Applicants must complete and submit this form each time they apply for the examination and require special modifications. The completed form must be returned to CPAES with all required documentation. This form may be obtained online at [www.nasba.org](http://www.nasba.org) or by calling CPAES at 800-CPA-EXAM or 615-880-4250.

(8) To assist the board in evaluating the educational qualifications of

applicants who have degrees from colleges or universities outside the United States of America, these applicants shall have their educational qualifications and transcripts evaluated by a qualified evaluator which has been approved in advance by the board. Names and application forms of approved evaluators may be obtained online at [www.nasba.org](http://www.nasba.org) or by calling CPAES at 800-CPA-EXAM or 615-880-4250. The applicant shall be responsible for paying any fees charged by the evaluator. The applicant is responsible for insuring that, at least thirty (30) days before the date of the examination, the evaluator's report detailing the evaluator's findings is received by CPAES or the application will be considered incomplete.

(9) Reference to books, or other matter, by a candidate during the examination or exchange of information with other persons shall be considered fraud or deceit and shall be grounds for the board to refuse to issue a license under section 326.310, RSMo.

(10) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.

**AUTHORITY:** *sections 326.262, 326.268 and 326.286, RSMo Supp. 2005. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Dec. 7, 1982, effective March 11, 1983. Amended: Filed March 14, 1984, effective July 12, 1984. Amended: Filed Feb. 5, 1990, effective June 28, 1990. Amended: Filed June 10, 1998, effective Dec. 30, 1998. Amended: Filed April 5, 2004, effective July 30, 2004. Rescinded and readopted: Filed April 3, 2006.*

**PUBLIC COST:** *This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will cost private entities approximately two hundred eighty-five thousand seven hundred fifty dollars (\$285,750) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 4 -Department of Economic Development****Division 10 - Missouri State Board of Accountancy****Chapter 2 - General Rules****Proposed Rule - 4 CSR 10-2.130 Application for Examination**

Prepared February 15, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

<b>Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:</b>	<b>Classification by type of the business entities which would likely be affected:</b>	<b>Estimated cost of compliance with the rule by affected entities:</b>
450	Applicants (Licensure by Examination - \$625)	\$281,250.00
450	Applicants (transcript @ \$10)	\$4,500.00
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$285,750.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board estimates that approximately 450 applicants will annually register directly with the examination a company to be scheduled for the examination. For the purpose of this fiscal note the board is going to assume that applicants will register for all 4 sections at one time. The cost is approximately \$156.25 per section x 4 sections is a total of \$625.
2. Applicants will be required to obtain their original transcript. The cost of the transcripts vary from school to school. For the purpose of this fiscal note the board is estimating obtaining the original transcript will cost approximately \$10.00.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTE:** The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 10-2.140 Granting of Credit for the Examination.** The board is proposing to delete sections (1), (4), and (6)–(8), add a new section (3), renumber the remaining sections accordingly, and amend new renumbered sections (4), (6) and (7).

*PURPOSE:* This rule clarifies the requirements for granting credit for the examination.

*[(1)] A candidate who passes two (2) parts of the exam and receives a score of fifty percent (50%) or more on the remaining parts of the examination at one (1) sitting shall be granted conditional credit for the part(s) of the examination passed. The conditional credit shall expire unless the candidate is granted credit for passing all remaining parts of the examination within the next six (6) regularly scheduled examinations. A candidate may add conditional credit of additional parts by passing one (1) or more parts of the exam and by receiving a score of fifty percent (50%) or more on any parts he or she did not pass. Adding to conditional credit shall not extend the time limit of the condition.]*

*[(2)] (1) Candidates who were granted credit for passing parts of the examination prior to the May 1994 examination are deemed to have been granted conditional credit according to the following guidelines:*

*(A) Credit granted for passing audit prior to May 1994 shall be retained as credit for auditing until either the remaining sections are passed or credit expires under this rule;*

*(B) Credit granted for passing business law prior to May 1994 shall be retained as credit for business law and professional responsibilities until either remaining sections are passed or credit expires under this rule;*

*(C) Credit granted for passing accounting theory prior to May 1994 shall be retained as credit for financial accounting and reporting—business enterprises (FARE) until either remaining sections are passed or credit expires under this rule;*

*(D) Credit granted for passing accounting practice prior to May 1994 shall be retained as credit for accounting and reporting—taxation, managerial and governmental and not-for-profit organizations (ARE) until either remaining sections are passed or credit expires under this rule; and*

*(E) Candidates who passed the practice section prior to May 1994 shall be considered to have passed two (2) parts for the purpose of determining conditioning.*

*[(3)] (2) A candidate shall be deemed to have passed the certified public accountant examination when he or she has been granted credit for all four (4) parts of the examination.*

*[(4)] In addition to the conditions set out in sections (1) and (2) of this rule, a grade of at least seventy-five percent (75%). After the November 2003 written examination, applicants are required to pass the computer-based Uniform CPA Examination.]*

**(3) A score of at least seventy-five percent (75%) is required to pass any part.**

*[(5)] (4) Transfer-of-credit of parts passed in another state will be allowed provided the candidate [meets/ met the requirements of [this/ that state for granting credit [as set out in this rule] at the time the examination section was passed.*

*[(6)] An applicant who was not required to take one (1) or more parts of the examination prior to May 1994 because of being licensed by this state as an attorney-at-law will not be required to pay the fee for that part(s) of the examination. Conditional credit granted under this section shall expire at the time of the May 1994 examination.*

*(7) An applicant who has been granted credit for parts passed in another state will not be required to pay the fee for that part(s) of the examination. Conditional credit granted under this section shall expire as provided in sections (1) and (2) of this rule.*

*(8) A candidate must sit for all parts of the examination for which the candidate has not already been granted conditional credit by this state.]*

*[(9)] (5) Candidates who have attained conditional status as of the launch date of the computer-based Uniform CPA Examination will be allowed a transition period to complete any remaining sections of the CPA examination. The transition period is the period of time or maximum number of opportunities (whichever is first exhausted) the candidates who have conditioned under the paper-and-pencil examination have remaining, at the launch of the computer-based CPA examination, to complete all remaining sections.*

*[(10)] (6) If a previously conditioned candidate does not pass all remaining sections during the transition period, conditioned credits earned under the paper-and-pencil examination will expire and the candidate will lose credit for the sections earned under the paper-and-pencil examination. However, any section passed during the transition period is subject to the conditioning provisions of the computer-based examination as indicated in the [aforementioned] following conditioning recommendation, except that a previously conditioned candidate will not lose conditional credit for a section of the computer-based examination that is passed during the transition period, even though more than eighteen (18) months may have elapsed from the date the section is passed, until the end of the transition period.*

*[(11)] (7) After [the launch date of the uniform computer-based examination when] April 5, 2004 a candidate [first/ who initially passes one (1) or more sections of the CPA examination [the candidate/ must pass any remaining sections within eighteen (18) months. In the event all four (4) sections of the Uniform CPA Examination are not passed within the rolling eighteen (18)-month period, credit for any section(s) passed outside the eighteen (18)-month period will expire and that section(s) must be retaken.*

*[(12)] (8) No information pertaining to grades or passing or failing of candidates shall be given to anyone by telephone.*

*[(13)] (9) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.*

*AUTHORITY:* sections 326.262, 326.268, and 326.280, RSMo Supp. [2003] 2005. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Oct. 16, 1979, effective Feb. 11, 1980. Amended: Filed July 10, 1984, effective Dec. 13, 1984. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed April 5, 2004, effective July 30, 2004. Amended: Filed April 3, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.



*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 10—Missouri State Board of Accountancy Chapter 2—General Rules**

#### **PROPOSED RESCISSION**

**4 CSR 10-2.150 Examination Procedures.** This rule provided the applicant with information regarding the actual examination procedures.

*PURPOSE: This rule is being rescinded and readopted to eliminate old conditioning requirements, outlines the current process associated with computer-based testing and establishes the passing score.*

*AUTHORITY: sections 326.262, 326.268, 326.280 and 326.286, RSMo Supp. 2003. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Oct. 16, 1979, effective Feb. 11, 1980. Amended: Filed Aug. 6, 1981, effective Dec. 11, 1981. Amended: Filed Oct. 22, 1987, effective March 25, 1988. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed April 5, 1995, effective Oct. 30, 1995. Amended: Filed April 5, 2004, effective July 30, 2004. Rescinded: Filed April 3, 2006.*

*PUBLIC COST: The proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: The proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 10—Missouri State Board of Accountancy Chapter 2—General Rules**

#### **PROPOSED RULE**

##### **4 CSR 10-2.150 Examination Procedures**

*PURPOSE: This rule provides the applicant with information regarding the actual examination procedures. All candidates are advised to read the Candidate Bulletin at [www.nasba.org](http://www.nasba.org) for complete instructions.*

(1) After a candidate has submitted an application pursuant to 4 CSR 10-2.130 and eligibility to take the examination is determined as pre-

scribed in 4 CSR 10-2.041, an Authorization To Test (ATT) will be sent to the National Candidate Database (NCD), and a Notice To Schedule (NTS) will be issued the applicant (now known as a candidate). These notices will be issued by the National Association of State Boards of Accountancy (NASBA), examinations department (CPAES).

(2) The NTS will be sent to the candidate by the method of notification indicated on the candidate's application. The NTS will be valid for a six (6)-month period and will include the expiration date of that NTS. Once an NTS has been issued, an eligible candidate has six (6) months from the date of the NTS to schedule and take the approved examination section(s). If the candidate's NTS expires prior to their taking the examination section(s), the candidate will not be able to reschedule or receive a refund on any of the fees they have paid and the candidate will have to reapply for the examination and pay the appropriate application and examination fees.

(3) Upon receipt of the NTS, candidates are required to contact Prometric, Inc. (Prometric) to schedule their examination. Candidates can view the bulletin on-line at [www.nasba.org](http://www.nasba.org) for complete instructions on how to schedule the examination. Candidates can take their examination at any board approved testing center. Candidates can find a complete list of these centers on-line at [www.nasba.org](http://www.nasba.org), [www.prometric.com](http://www.prometric.com), or by calling 1 (800) 272-3986.

(4) The board and CPA examination services do not control space availability or location of the test centers. Candidates who need to reschedule or cancel must contact Prometric. Complete instructions on how to schedule or cancel the examination can be found in the candidate bulletin. Candidates should note that they may be required to pay a penalty and/or forfeit their examination fees, depending on when they notify Prometric of the change or cancellation.

(5) Candidates should arrive at least thirty (30) minutes prior to their scheduled testing appointment, with their required identification and NTS, and should have read the candidate bulletin for detailed instructions. If a candidate arrives for their scheduled appointment anytime after the scheduled start time it may result in the candidate being denied permission to test, and the candidate will not receive a refund of application or examination fees.

(6) Once a candidate has taken the examination, the testing center will forward their examination to the American Institute for Certified Public Accountants (AICPA) for grading. The AICPA will forward the advisory scores and performance information to NASBA, and NASBA then will forward the advisory scores to boards of accountancy for approval and subsequent distribution to candidates. Each board of accountancy sets its own schedule for score approval and release.

(7) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction to be invalid.

*AUTHORITY: sections 326.262, 326.268, 326.280 and 326.286, RSMo Supp. 2005. Original rule filed Sept. 13, 1978, effective Jan. 13, 1979. Amended: Filed Oct. 16, 1979, effective Feb. 11, 1980. Amended: Filed Aug. 6, 1981, effective Dec. 11, 1981. Amended: Filed Oct. 22, 1987, effective March 25, 1988. Amended: Filed April 9, 1993, effective Oct. 10, 1993. Amended: Filed April 5, 1995, effective Oct. 30, 1995. Amended: Filed April 5, 2004, effective July 30, 2004. Rescinded and readopted: Filed April 3, 2006.*

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 10—Missouri State Board of Accountancy  
Chapter 2—General Rules**

**PROPOSED AMENDMENT**

**4 CSR 10-2.160 Fees.** The board is proposing to amend section (1).

**PURPOSE:** This rule is being amended to delete obsolete language and add the inactive license fee.

(1) The following fees are established by the Missouri State Board of Accountancy:

(D) Individual License Fee (initial)/—/	<b>\$100.00</b>
1. For annual renewal	<b>\$ 50.00</b>
2. For biennial renewal	
<b>\$100.00]</b>	
(E) Individual License Fee (biennial renewal)	<b>\$100.00</b>
1. For annual renewal	<b>\$ 50.00</b>
2. For biennial renewal	<b>\$100.00]</b>
[(H) Provisional License to Practice	
(one year)	<b>\$150.00</b>
(I) Proctoring Fee (proctoring exam candidates	
for other state boards)	<b>\$ 60.00]</b>
(H) Inactive License Fee (initial)	<b>\$ 25.00</b>
(I) Inactive License Fee (biennial renewal)	<b>\$ 25.00</b>

**AUTHORITY:** sections 326.262, 326.271, 326.277, 326.280, 326.283, 326.286 and 326.289, *RSMo Supp. [2003] 2005*. Emergency rule filed Aug. 6, 1981, effective Aug. 16, 1981, expired Dec. 10, 1981. Original rule filed Aug. 6, 1981, effective Dec. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 3, 2006.

**PUBLIC COST:** This proposed amendment will reduce the State Board of Accountancy Fund by approximately forty thousand seven hundred fifty dollars (\$40,750) annually for the life of the rule. It is anticipated that the total reduction will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**PRIVATE COST:** This proposed amendment will save private entities approximately forty thousand seven hundred fifty dollars (\$40,750) annually for the life of the rule. It is anticipated that the total savings will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Accountancy, Ken L. Bishop, Executive Director, PO Box 613, Jefferson City, MO 65102-0613. To be con-

## PUBLIC ENTITY FISCAL NOTE

**I. RULE NUMBER**

Title 4 -Department of Economic Development

Division 10 - Missouri State Board of Accountancy

Chapter 2 - General Rules

Proposed Rule - 4 CSR 10-2.160 Fees

Prepared February 15, 2006 by the Division of Professional Registration

Affected Agency or Political Subdivision	Estimated Loss of Revenue
Missouri State Board of Accountancy	-\$40,750
<b>Total Loss of Revenue</b>	
<b>Biennially for the Life of the Rule</b>	<b>-\$40,750</b>

**III. WORKSHEET**

See Assumptions

**IV. ASSUMPTION**

1. The board estimates approximately 50 licensees will request an inactive license annually.
2. The fiscal impact for the deletion of the provisional license fee is shown in the fiscal note accompanying 4 CSR 10-2.022.
3. It is anticipated that the total reduction will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division 10 - Missouri State Board of Accountancy**

**Chapter 2 - General Rules**

**Proposed Rule - 4 CSR 10-2.160 Fees**

Prepared February 15, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
260	Applicants (deletion of \$150 Provisional License Fee)	-\$39,000.00
50	(Applicants - (deletion of \$60 Proctoring Exam Fee)	-\$3,000.00
50	Licensees (Inactive License - \$25)	\$1,250.00
<b>Estimated Annual Reducation for the Life of the Rule</b>		<b>-\$40,750.00</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board estimates approximately 50 licensees will request an inactive license annually.
2. The fiscal impact for the deletion of the provisional license fee is shown in the fiscal note accompanying 4 CSR 10-2.022.
3. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 3—Applications for License; License  
Examinations**

**PROPOSED AMENDMENT**

**4 CSR 250-3.010 Applications for License.** The commission is proposing to delete section (3) and propose new language in section (3) and (4), renumber the remaining sections accordingly, and amend section (4), add a new section (6) and amend the newly renumbered section (7) and (8).

*PURPOSE: This rule is being amended to require individuals to take the Missouri Real Estate Practice course before they get their salesperson license instead of taking the course during their first renewal period.*

*[(3)] Every application for original license shall be accompanied by proof acceptable to the commission that the applicant has met all applicable requirements of the license law and these rules, including but not limited to:*

*(A) Proof of successful completion of the prescribed prelicense course in an accredited school prior to the date of examination and within six (6) months prior to the date the application for license is postmarked by a postal service; and*

*(B) Proof of satisfactory completion of both portions of the required examination within six (6) months prior to the date the application for license is postmarked by a postal service.]*

**(3) Salesperson.**

(A) Every application for original salesperson license shall be accompanied by proof acceptable to the commission that the applicant has met all applicable requirements of sections 339.010 through 339.190, RSMo and these rules, including but not limited to:

1. Proof of successful completion of an approved forty-eight (48)-hour course of study known as “Salesperson Pre-Examination Course” prior to the date of examination and no more than six (6) months prior to the postmark date applied by the postal service or hand delivery date of license application to the Missouri Real Estate Commission;

2. Proof of satisfactory completion of both national and state portions of the required examination after the successful completion of the course identified as “Salesperson Pre-Examination Course”; and

3. Proof of successful completion of an approved twenty-four (24)-hour course known as “Missouri Real Estate Practice Course” completed after successful completion of the “Salesperson Pre-Examination Course.”

**(4) Broker Type License.**

(A) Every application for original broker type license shall be accompanied by proof acceptable to the commission that the applicant has met all applicable requirements of the license law and these rules, including but not limited to:

1. Proof of having been actively licensed as a salesperson for at least one (1) year immediately preceding date of application, and proof of satisfactory completion of both national and state portions of the required broker examination no more than six (6) months prior to the postmark date applied by the postal service or hand delivery date of license application to the Missouri Real Estate Commission after having completed the “Broker Pre-Examination Course”; or

2. Proof of having completed all requirements to obtain a Missouri salesperson’s license, proof of successful completion of an approved forty-eight (48)-hour course of study known as the

“Broker Pre-Examination Course” prior to the date of examination and no more than six (6) months prior to the postmark date applied by the postal service or hand delivery date of license application to the Missouri Real Estate Commission, and proof of satisfactory completion of both national and state portions of the required examination after the successful completion of the course identified as “Broker Pre-Examination Course.”

*[[4)] (5) Applicants will have six (6) months after satisfactory completion of the required course(s) of study within which to pass the required examination and apply for license. After six (6) months, credit for [that] such course(s) and examination will expire, and satisfactory completion of the required course(s) and examination must be repeated before applying for license.*

**(6) The respective pre-examination course must be completed and the completion certificate received prior to the candidate attempting to take the required examination.**

*[[5)] (7) The commission may require an applicant for a license to furnish a recent passport-type photograph and court documents, as well as any other information deemed necessary by the commission to determine the applicant’s qualifications for a license.*

*[[6)] (8) The commission reserves the right, at its discretion, to hold any application for a reasonable length of time for investigation.*

*AUTHORITY: sections 339.090 and 339.120, RSMo [2000] Supp. 2005. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed June 15, 1990, effective Dec. 31, 1990. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Amended: Filed April 6, 2006.*

*PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately twenty-two thousand four hundred thirty dollars and fourteen cents (\$22,430.14) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed amendment will cost private entities approximately five hundred one thousand nine hundred fifty dollars (\$501,950) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



PUBLIC ENTITY FISCAL NOTE

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division 250 - Missouri Real Estate Commission**

**Chapter 3 - Applications for License; License Examinations**

**Proposed Rule - 4 CSR 250-3.010 Applications for License**

Prepared March 20, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$22,430.14

**Total Annual Cost of Compliance \$22,430.14  
for the Life of the Rule**

**III. WORKSHEET**

Applications are received and processed by the board. The Office Support Assistant will process the mail; the Account Clerk II will deposit the money, review the printed license for accuracy, and reconcile and mail the license; the Licensure Technician II will enter data into the division's licensing system, process the application, and issue and approve the license.

The board estimates staff will spend the following time per application: Administrative Office Support Assistant - 2 minutes; Account Clerk II - 3 minutes; Licensure Technician II - 10 minutes The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE	HOURLY SALARY	COST PER	TIME PER	COST PER	TOTAL COST
Administrative Office Support Assistant	\$25,860	\$38,502.95	\$18.51	\$0.31	2 minutes	\$0.62	\$3,085.17
Account Clerk II	\$21,900	\$32,606.91	\$15.68	\$0.26	3 minutes	\$0.78	\$3,919.10
Licensure Technician II	\$ 25,860	\$38,502.95	\$18.51	\$0.31	10 minutes	\$3.09	\$15,425.86

**Total Costs \$22,430.14**

**IV. ASSUMPTION**

1. The board estimates approximately 5000 applicants will be required to successfully complete the Salesperson Pre-Examination Course or Broker Pre-Examination Course prior to making application to the board for licensure.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE****I. RULE NUMBER****Title 4 -Department of Economic Development****Division 250 - Missouri Real Estate Commission****Chapter 3 - Applications for License; License Examinations****Proposed Rule - 4 CSR 250-3.010 Applications for License**

Prepared March 20, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
5,000	Applicants (Application for Original License - Cost of Course \$100)	\$500,000
5,000	Applicants (Postage - \$.39)	\$1,950
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$501,950</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board estimates approximately 5000 applicants will be required to successfully complete the Salesperson Pre-Examination Course or Broker Pre-Examination Course prior to making application to the board for licensure.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.



**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 3—Applications for License; License  
Examinations**

**PROPOSED AMENDMENT**

**4 CSR 250-3.020 License Examinations.** The commission is proposing to amend section (1).

*PURPOSE:* This proposed amendment allows great flexibility with regard to professional testing services.

(1) The form, content, method of administration, passing standards and schedule of written license examinations shall be determined by the commission and the date and place of examinations shall be announced as far in advance as is practicable. In conducting examinations, the commission may utilize professional [computerized] testing services.

*AUTHORITY:* sections 339.090 and 339.120, RSMo [2000] Supp. 2005. Original rule filed Nov. 14, 1978, effective Feb. 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Sept. 8, 2003, effective March 30, 2004. Amended: Filed April 6, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 5—Fees**

**PROPOSED AMENDMENT**

**4 CSR 250-5.030 Miscellaneous Fees.** The board is proposing to delete subsection (1)(A) and add new subsections (1)(A) and (1)(B).

*PURPOSE:* This amendment eliminates copying and research fees and implements costs for bad check replacements and pin card replacements.

(1) The following miscellaneous fees for certain services rendered by the Missouri Real Estate Commission are as follows:

<i>[(A) Name Search Fee (as determined by the Missouri State Highway Patrol)]</i>	
<b>(A) Duplicate Pin Card Fee</b>	<b>\$ 25</b>
<b>(B) Bad Check Replacement Fee</b>	<b>\$ 25</b>

*AUTHORITY:* sections [43.543,] 339.090 and 339.120, [and 610.026,] RSMo Supp. [2004] 2005 and 620.140.2, RSMo 2000. Original rule filed March 16, 1988, effective July 1, 1988. Amended:

Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 30, 2004, effective June 30, 2005. Amended: Filed April 6, 2006.

*PUBLIC COST:* This proposed amendment will cost state agencies or political subdivisions approximately one thousand three hundred eighty-three dollars and fifty cents (\$1,383.50) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

*PRIVATE COST:* This proposed amendment will cost private entities approximately seven thousand five hundred dollars (\$7,500) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 5 - Fees

Proposed Rule - 4 CSR 250-5.030 Miscellaneous Fees

Prepared March 20, 2006 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$1,383.50
<b>Total Annual Cost of Compliance for the Life of the Rule</b>	
	\$1,383.50

## III. WORKSHEET

The Account Clerk II will spend approximately 20 minutes per notification of a insufficient funds notifying the individual, updating the division's licensing system, and monitoring the replacement fees. The License Technician I will spend approximately 5 minutes issuing and mailing duplicate pin cards. The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of duplicate licenses and replacement checks. The total cost was based on the cost per application multiplied by the estimated number of request for duplicate licenses and replacement checks.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Account Clerk II	\$21,900	\$32,606.91	\$15.68	\$0.26	20 minutes	\$5.23	\$1,306.37
Licensure Technician II	\$ 25,860	\$38,502.95	\$18.51	\$0.31	5 minutes	\$1.54	\$77.13

**Total Costs**      **\$1,383.50**

## IV. ASSUMPTION

1. The above estimations were based on the assumption that at least a small number of licensees will lose their pin card and will request a duplicate card be produced and issued. The estimated related to the bad check replacement fee is based on historical statistics of bad checks received by the Missouri Real Estate Commission.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division 250 - Missouri Real Estate Commission**

**Chapter 5 - Fees**

**Proposed Rule - 4 CSR 250-5.030 Miscellaneous Fees**

Prepared March 20, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
250	Licensees (Duplicate Pin Card Fee - \$25)	\$6,250
50	Applicants/Licensees (Bad Check Replacement Fee - \$25)	\$1,250
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$7,500</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above estimations were based on the assumption that at least a small number of licensees will lose their pin card and will request a duplicate card be produced and issued. The estimated related to the bad check replacement fee is based on historical statistics of bad checks received by the Missouri Real Estate Commission.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 5—Fees**

**PROPOSED RULE**

**4 CSR 250-5.040 Application Fees for School Accreditation and Course Approval**

*PURPOSE:* This rule establishes application and course approval fees.

- (1) The following fees are established for school accreditation:
- |  |       |
|--|-------|
| (A) Initial School Accreditation Application Fee   | \$200 |
| (B) Course Approval Application Fee for courses over twelve (12) hours (per course per delivery method)                  | \$400 |
| (C) Course Approval Application Fee for courses less than or equal to twelve (12) hours (per course per delivery method) | \$100 |
| (D) School Accreditation Renewal Application Fee   | \$100 |
- (2) The following fees have been established for course approval:
- |  |       |
|--|-------|
| (A) Course Renewal Application Fee for course over twelve (12) hours   | \$200 |
| (B) Course Renewal Application Fee for course less than or equal to twelve (12) hours (per course per delivery method) | \$ 50 |

*AUTHORITY:* sections 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.

*PUBLIC COST:* This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 6—Educational Requirements**

**PROPOSED RESCISSION**

**4 CSR 250-6.010 Course of Study Required.** This rule required certification from an accredited school for examination eligibility. It required application for license within six (6) months of completion of course of study.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

*AUTHORITY:* section 339.120, RSMo Supp. 1993. Original rule filed Feb. 7, 1979, effective May 11, 1979. Amended: Filed Oct. 2,

1985, effective Dec. 26, 1985. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 6—Educational Requirements**

**PROPOSED RESCISSION**

**4 CSR 250-6.020 Content of Preliminary Courses.** This rule prescribed a more detailed course content outline for the guidance of accredited salesperson and broker schools and license applicants.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

*AUTHORITY:* section 339.120, RSMo Supp. 1993. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed March 12, 1982, effective June 11, 1982. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Rescinded and readopted: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 6—Educational Requirements**

**PROPOSED RESCISSION**

**4 CSR 250-6.040 General.** This rule defined hour, commission approval of suggested courses and hours, and attendance required.



*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

*AUTHORITY:* section 339.120, RSMo Supp. 1993. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed March 17, 1986, effective June 28, 1986. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Sept. 1, 1989, effective Dec. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to [realestate@pr.mo.gov](mailto:realestate@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 6—Educational Requirements**

**PROPOSED RESCISSION**

**4 CSR 250-6.050 Correspondence Courses.** This rule validated correspondence courses and proclaimed attendance requirements.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

*AUTHORITY:* section 339.120, RSMo Supp. 1993. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to [realestate@pr.mo.gov](mailto:realestate@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 6—Educational Requirements**

**PROPOSED RULE**

**4 CSR 250-6.060 Content of Salesperson and Broker Pre-Examination Courses and the Missouri Real Estate Practice Course**

*PURPOSE:* This rule establishes course content of the pre-examination courses and the Missouri Real Estate Practice course.

(1) Schools accredited to teach the forty-eight (48)-hour Salesperson Pre-Examination Course and the forty-eight (48)-hour Broker Pre-Examination Course shall develop these courses based on the detailed content outline as provided by the professional testing service contracted to administer the examination for the Missouri Real Estate Commission. This detailed content outline shall be based on the testing service's most recent job analysis of real estate professionals.

(2) The twenty-four (24)-hour Missouri Real Estate Practice Course must address the following topics:

- (A) Broker Disclosure Form;
- (B) Listing a Property.
  - 1. Types of seller agency agreements.
  - 2. Elements of seller agency agreements;
- (C) Buyer Representation.
  - 1. Types of buyer agency agreements.
  - 2. Elements of buyer agency agreements;
- (D) Acting as a Dual Agent or Transaction Broker;
- (E) Termination of Brokerage Relationships;
- (F) Compensation;
- (G) Cooperating with Other Licensees;
- (H) Obligations of Agents to Clients and Customers;
- (I) Pricing Property;
- (J) Role of the Appraiser;
- (K) Types of Financing;
- (L) Estimating Closing Costs;
- (M) Contracts;
- (N) Earnest Money;
- (O) Avoiding Misrepresentation; and
- (P) Types of Construction.

*AUTHORITY:* sections 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.

*PUBLIC COST:* This proposed amendment will cost state agencies or political subdivisions approximately two thousand three hundred forty-one dollars and twenty cents (\$2,341.20) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

*PRIVATE COST:* This proposed rule will cost private entities approximately two hundred twenty-five thousand dollars (\$225,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to [realestate@pr.mo.gov](mailto:realestate@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.



## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 6 - Education Requirements

Proposed Rule - 4 CSR 250-6.060 Content of Salesperson and Broker Pre-Examination Course and the Missouri Real Estate Practice Courses

Prepared March 20, 2006 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$2,341.20
Total Annual Cost of Compliance for the Life of the Rule	
	\$2,341.20

## III. WORKSHEET

Applications are received and processed by the board. The Real Estate Education Specialist will spend approximately 8 hours reviewing request for approval of the salesperson course and 4 hours reviewing approval for the practice course each year. The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications. The total cost was based on the cost per application multiplied by the estimated number of applications.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist	\$27,256	\$40,581.46	\$19.51	8 hours per salesperson course 4 hours per practice course	\$156.08 \$78.04	\$1560.80 \$780.40

Total Costs \$2,341.20

## IV. ASSUMPTION

1. The commission estimates that approximately 10 request for approval of the salesperson course and 10 request for approval of the practice course will be received annually.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division 250 - Missouri Real Estate Commission**

**Chapter 6 - Education Requirements**

**Proposed Rule - 4 CSR 250-6.060 Content of Salesperson and Broker Pre-Examination Course and the Missouri Real Estate Practice Courses**

Prepared March 20, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
60	Modification of Prelicense Courses - \$3000 per course)	\$180,000
30	Modification of Real Estate Practice Course (\$1500)	\$45,000
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$225,000</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above estimations were based on the current number of schools offering these courses. Cost of modification will vary by provider and is estimated based on a discussion with an education provider.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RESCISSION**

**4 CSR 250-7.010 Standards for Accreditation.** This rule regulated the standards for accreditation of a real estate school including the subjects, curriculum, vested interest, administration, instructors, physical aspects of the building and the minimal requirements of instructors.

*PURPOSE: This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.*

*AUTHORITY: section 339.120, RSMo 1994. Original rule filed Feb. 7, 1979, effective May 11, 1979. For intervening history, please consult the Code of State Regulations. Rescinded: Filed April 6, 2006.*

*PUBLIC COST: This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RULE**

**4 CSR 250-7.010 Standards for Real Estate School Accreditation and Renewal**

*PURPOSE: This rule establishes standards for Real Estate Accreditation and Renewal.*

(1) A school wishing to offer a Salesperson Pre-Examination Course, a Broker Pre-Examination Course, a Missouri Real Estate Practice Course and/or continuing education course(s) in Missouri will be accredited by the commission upon compliance with the following requirements:

(A) Each person involved directly or indirectly in the sponsorship of a school or who participates or has an interest, financial or otherwise, in its operation, shall be at least eighteen (18) years of age and a person of good moral character and bear a good reputation for honesty, integrity and fair dealings;

(B) Each school shall be supervised by an administrator, who shall be in charge of its operations and programs;

(C) The school shall be responsible to see that the school's instructors have the specialized preparation, training and experience in the subject matter to be taught to ensure competent instruction;

(D) The school shall advise all students, prior to contractual obligation, that certain criminal convictions may prevent the student from receiving or retaining a real estate license;

(E) The school shall enter into a contract with each student

enrolling to take a Salesperson Pre-Examination Course, Broker Pre-Examination Course, or the Missouri Practice Course of study. This contract shall identify the tuition to be charged, the school's policy regarding refund of unearned tuition when a student is dismissed or withdraws voluntarily or through hardship, any additional fee to be charged for supplies, materials or books which become the property of the student upon payment, the standard for the issuance of a certificate of satisfactory completion and such other matters as are material to the relationship between the school and the student;

(F) The Salesperson Pre-Examination Course, Broker Pre-Examination Course, and Missouri Real Estate Practice Course offered shall include the subjects set forth in 4 CSR 250-6.060;

(G) In the case of classroom delivery courses, each area of study shall be conducted and supervised by an instructor who shall be present in the classroom at all times;

(H) In the case of distance delivered courses, an instructor must respond to each student's inquiries by the end of the next regular business day;

(I) The school shall issue to each student who satisfactorily completes the prescribed course of study a certificate of satisfactory completion on a form prescribed by the commission;

(J) For any continuing education classroom course attended by more than twenty-five (25) students, the sponsor shall have a person other than the instructor present to assist in administrative duties including, but not limited to, keeping records of attendance, preparing and distributing certificates and assuring that the physical facilities meet the requirements of this section;

(K) Record Maintenance.

1. Each school shall maintain for each student a record which shall include the course of instruction undertaken, dates of attendance and areas of study completed satisfactorily.

2. Each school shall maintain a copy of the attendance records for each date and time a particular course is offered.

3. A school shall supply duplicate certificates to the individuals upon request. A reasonable charge may be made for duplicate certificates.

4. Schools approved to offer courses by distance delivery, in addition, shall maintain records of all final examinations and examination administration.

5. Each student's records shall be maintained by the school for a minimum of four (4) years and shall be available for inspection by the student or by the commission or its authorized agent during regular business hours or shall provide them to the commission by certified mail within thirty (30) days of written request.

6. If a school closes, within ten (10) days, the school owner must provide in writing to the Missouri Real Estate Commission the contact information for the custodian of records for the previous four (4) years. If the school is closed due to a merger or sale, the records shall be turned over to and become the responsibility of the new school;

(L) Advertising and Publicity.

1. No school shall use any name for advertising or publicity purposes other than the name shown upon its application for accreditation.

2. No school shall advertise or imply that it is recommended, endorsed or approved by the commission, but an accredited school may indicate what courses it has been approved to teach by the Missouri Real Estate Commission.

3. No school shall permit its administrator, staff, instructor(s), or any person associated in any way to provide any misleading information to the public or prospective students.

4. No school shall permit its administrator, staff, instructor(s), or any person associated in any way approved to teach the pre-examination courses to make any warranties or guarantees that a student will pass the real estate license examination by taking its courses.

5. Each school shall advertise any approved course in clear and unambiguous terms, which includes a statement indicating the number of hours of education credit for which the course is approved and

the correct title of the course as it is stated in the course approval letter provided by the commission.

6. No real estate education course shall be announced or advertised until it is approved by the commission, in writing, for credit; and

(M) Physical facilities used to teach any approved classroom course shall:

1. Be designed primarily for classroom purposes or designed for multipurpose use in the case of meeting halls and convention facilities;

2. Contain proper seating and writing surfaces;

3. Be properly lighted;

4. Be properly ventilated;

5. Be reasonably free from distracting pedestrian traffic;

6. Be reasonably free of sound and light disturbances; and

7. Not contain recruiting material and be free of reference to individual real estate firms, groups of firms or franchises, unless the course is restricted to only licensees of the referenced firm or franchise and the notice submitted by the school to the commission as required under 4 CSR 250-7.040 is clearly marked as a restricted class.

(2) When the commission has accredited a school based upon its application and submissions, a letter of accreditation shall be issued to the school. Accreditation is granted and limited to the specific ownership as shown on the application.

(3) A school must notify the commission of any change of administrator within ten (10) days.

(4) Each school shall report to the commission, in writing within ten (10) days, any changes in the information contained in the application for accreditation or the exhibits appended to the application. Changes will not be deemed accepted until such time as acknowledgement of the changes is provided by the commission.

(5) Initial accreditation of a school shall be valid for no more than one (1) year and shall expire on March 31. Accreditation shall be renewable upon submission of an accepted renewal application as provided by the commission no earlier than sixty (60) days prior to and no later than the accreditation expiration date. If renewed before expiration, the accreditation shall expire on March 31 of the second odd-numbered year to follow the renewal date. Failure to renew prior to accreditation expiration shall void all course approvals and the school shall no longer be deemed accredited and will be required to submit the appropriate applications and documents as a new school.

**AUTHORITY:** sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed Feb. 7, 1979, effective May 11, 1979. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 6, 2006.

**PUBLIC COST:** This proposed rule will cost state agencies or political subdivisions approximately thirty-one thousand two hundred sixteen dollars and fifty-one cents (\$31,216.51) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**PRIVATE COST:** This proposed rule will cost private entities seven hundred fifty thousand dollars (\$750,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to [realestate@pr.mo.gov](mailto:realestate@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 7 - Schools

Proposed Rule - 4 CSR 250-7.010 Standards for Real Estate School Accreditation and Renewal

Prepared March 20, 2006 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$31,216.51

**Total Annual Cost of Compliance for the Life of the Rule**      **\$31,216.51**

## III. WORKSHEET

The Real Estate Education Specialist will spend approximately 16 hours auditing schools for compliance. The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the auditing schools for compliance. The total cost was based on the cost per application multiplied by the estimated schools to be audited.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist	\$27,256	\$40,581.46	\$19.51	16 hours	\$312.17	\$31,216.51

**Total Costs**      **\$31,216.51**

## IV. ASSUMPTION

1. The commission estimates approximately 100 schools per year will require auditing schools for compliance by the Real Estate Education Specialist.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.



**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division 250 - Missouri Real Estate Commission**

**Chapter 7 - Schools**

**Proposed Rule - 4 CSR 250-7.010 Standards for Real Estate School Accreditation and Renewal**

Prepared March 20, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
75,000	Schools (Maintenance of Student Records - \$10 per student)	\$750,000
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$750,000</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above estimations were based on assumption that about 75% of the licensees will go to the same school for all continuing education needs. The balance will go to multiple schools. There are approximately 50,000 licensees that will pass through schools either for prelicense or continuing education every 2 years. Cost to maintain records will vary greatly per school depending on how records are retained and stored; hard copy or electronically. \$10 fee was selected as a reasonable estimate.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RESCISSION**

**4 CSR 250-7.020 Application for Accreditation.** This rule stated the documents necessary for accreditation of a school.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

*AUTHORITY:* section 339.120, RSMo 2000. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed Oct. 26, 1987, effective July 1, 1988. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RULE**

**4 CSR 250-7.020 Application for Accreditation**

*PURPOSE:* This rule identifies the requirements to seek accreditation or renewal of accreditation for a school offering real estate prelicense or continuing education in Missouri.

(1) Any person or entity seeking accreditation or renewal of accreditation for a school offering a real estate classroom course of study in Missouri shall submit a completed application on a form prescribed by the commission and accompanied by supporting documents specified in the application.

(2) Any person or entity seeking accreditation or renewal of accreditation for a school offering any real estate course of study by distance delivery must submit the following:

(A) A completed application on a form prescribed by the commission and accompanied by supporting documents specified in the application; and

(B) An acknowledgement that the school has the means to reasonably capture the average time each student took to complete each distanced delivered course.

(3) The commission reserves the right, at its discretion, to hold any application for a reasonable length of time for investigation and review.

*AUTHORITY:* sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed Nov. 14, 1978, effective March 11, 1979. For intervening history, please consult the *Code of State Regulations*. Rescinded and readopted: Filed April 6, 2006.

*PUBLIC COST:* This proposed amendment will cost state agencies or political subdivisions approximately sixteen thousand six hundred eighty-one dollars and thirty-two cents (\$16,681.32) during the first year of implementation of the rule and thirteen thousand two hundred sixty-seven dollars and two cents (\$13,267.02) annually thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

*PRIVATE COST:* This proposed rule will cost private entities seventy-four thousand eight hundred thirty-three dollars (\$74,833) during the first year of implementation of the rule and one hundred seven thousand eight hundred seventy-two dollars (\$107,872) annually thereafter for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

PUBLIC ENTITY FISCAL NOTE

**I. RULE NUMBER**

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 7 - Schools

Proposed Rule - 4 CSR 250-7.020 Application for Accreditation

Prepared March 20, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Missouri Real Estate Commission		
	Total Annual Cost of During First Year of Implementation of the Rule	\$16,681.32
	Total Annual Cost of Compliance for the Life of the Rule	\$13,267.02

**III. WORKSHEET**

The figures below represent costs paid by the Missouri Real Estate Commission for implementation of the proposed rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

**DURING FIRST YEAR OF IMPLEMENTATION OF THE RULE** - During the first of implementation of the rule the commission is anticipating reviewing 50 initial school accreditation applications and 210 course approval applications. The commission further anticipates renewing 35 school accreditations and 560 course approvals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist (50 - applications for accreditation approvals)	\$27,256	\$40,581.46	\$19.51	8 hours	\$156.08	\$7,804.13
Real Estate Education Specialist (210 - course approval applications)	\$27,256	\$40,581.46	\$19.51	30 minutes	\$9.76	\$2,048.58
Real Estate Education Specialist (35 - school accreditation renewals)	\$27,256	\$40,581.46	\$19.51	2 hours	\$39.02	\$1,365.72
Real Estate Education Specialist (560 - course approval renewals)	\$27,256	\$40,581.46	\$19.51	30 minutes	\$9.76	\$5,462.89

**Total Costs \$16,681.32**

ANNUALLY THEREAFTER - After the first of implementation of the rule the commission is anticipating reviewing 10 initial school accreditation applications and 300 course approval applications. The commission further anticipates renewing 85 school accreditations and 560 course approvals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist (10 - applications for accreditation approvals)	\$27,256	\$40,581.46	\$19.51	8 hours	\$156.08	\$1,560.83
Real Estate Education Specialist (300 - course approval applications)	\$27,256	\$40,581.46	\$19.51	30 minutes	\$9.76	\$2,926.55
Real Estate Education Specialist (85 - school accreditation renewals)	\$27,256	\$40,581.46	\$19.51	2 hours	\$39.02	\$3,316.75
Real Estate Education Specialist (560 - course approval renewals)	\$27,256	\$40,581.46	\$19.51	30 minutes	\$9.76	\$5,462.89

**Total Costs \$13,267.02**

#### IV. ASSUMPTION

1. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division 250 - Missouri Real Estate Commission**

**Chapter 7 - Schools**

**Proposed Rule - 4 CSR 250-7.020 Application for Accreditation**

Prepared March 20, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

**During First Year of Implementation of the Rule**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
50	Applicants (Initial School Accreditation Application Fee - \$200)	\$10,000
10	Applicants (Over 12 Hours Course Approval Application Fee - \$400 Fee)	\$4,000
200	Applicants (Less 12 Hours Course Approval Application Fee - \$100)	\$20,000
35	Schools (Renewal - \$100)	\$3,500
60	Over 12 Course Renewal (\$200)	\$12,000
500	Less than 12 Course Renewal (\$50)	\$25,000
855	Schools (Postage - \$.39)	\$333
	<b>Estimated Cost During First Year of Implementation of the Rule</b>	<b>\$74,833</b>



**Annually Thereafter**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
10	Applicants (Initial School Accreditation Application Fee - \$200)	\$2,000
100	Applicants (Over 12 Hours Course Approval Application Fee - \$400 Fee)	\$40,000
200	Applicants (Less 12 Hours Course Approval Application Fee - \$100)	\$20,000
85	Schools (Renewal - \$100)	\$8,500
60	Over 12 Course Renewal (\$200)	\$12,000
500	Less than 12 Course Renewal (\$50)	\$25,000
955	Schools (Postage - \$.39)	\$372
<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>		<b>\$107,872</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above estimations were based on historical number of submissions.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RESCISSION**

**4 CSR 250-7.030 Correspondence Courses.** *This rule established the specific requirements of offering a correspondence course.*

**PURPOSE:** *This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.*

**AUTHORITY:** *section 339.120, RSMo 1993. Original rule filed Nov. 14, 1978, effective March 11, 1979. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.*

**PUBLIC COST:** *This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RESCISSION**

**4 CSR 250-7.040 Accreditation; Renewals; Fees.** *This rule specified the accreditation and renewal fees applicable to schools, administrators and instructors.*

**PURPOSE:** *This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.*

**AUTHORITY:** *section 339.120, RSMo 1993. Original rule filed Feb. 7, 1979, effective May 11, 1979. Amended: Filed March 14, 1984, effective June 11, 1984. Amended: Filed Oct. 2, 1985, effective Dec. 26, 1985. Amended: Filed June 16, 1989, effective Sept. 28, 1989. Amended: Filed Nov. 15, 1991, effective June 25, 1992. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.*

**PUBLIC COST:** *This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-*

*mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RESCISSION**

**4 CSR 250-7.050 Prohibition of Advertising or Solicitation.** *This rule prohibited any type of advertisement, solicitation or other inducement of students concerning future employment.*

**PURPOSE:** *This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.*

**AUTHORITY:** *section 39.120, RSMo 1993. Original rule filed March 12, 1982, effective June 11, 1982. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.*

**PUBLIC COST:** *This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RULE**

**4 CSR 250-7.060 Instructor Standards**

**PURPOSE:** *This rule outlines standards for instructors.*

(1) Each school is responsible for hiring only appropriately trained instructors with practical experience or formal education/training on the subject matter being presented.

**AUTHORITY:** *sections 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.*

**PUBLIC COST:** *This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rule will cost private entities less than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to*

*realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RULE**

**4 CSR 250-7.070 General Requirements**

*PURPOSE: This rule establishes general requirements that each real estate school must meet.*

(1) Any school offering a Salesperson and/or Broker Pre-Examination Course, Missouri Real Estate Practice Course and/or continuing education course(s) must be accredited to teach real estate courses in Missouri before offering or advertising such course(s) for credit.

(2) For the purpose of the course offerings by accredited real estate schools, an hour means sixty (60) minutes, at least fifty (50) minutes of which shall be devoted to actual classroom instruction and no more than ten (10) minutes of which shall be devoted to a recess. Times allotted for supervised examinations may be regarded as hours of instruction.

(3) A student enrolled in a Salesperson Pre-Examination Course shall not receive credit for attending any portion of a Broker Pre-Examination Course.

(4) A student enrolled in a Broker Pre-Examination Course shall not receive credit for attending any portion of a Salesperson Pre-Examination Course.

(5) Course approval will be for the duration of the license period for which approval is sought.

(6) All applications for course approval shall be submitted by the originating school at least ninety (90) days prior to the date the course is initially expected to be offered. Applications shall include a complete course outline showing all subjects covered in the course. In the case of a continuing education course no fewer than three (3) unique learning objectives per course hour shall be identified and included in the application prescribed by the Missouri Real Estate Commission. The commission will respond in writing to all requests for course approval within forty-five (45) days of receipt of a properly completed application. The commission will either assign a course number or other identification to a course when it is approved or will notify the applicant of the grounds for the course not being approved.

(7) If the commission determines that a proposed course does not meet prescribed standards or if the proposed course does not adequately reflect and present current real estate knowledge toward the goal of public protection and service, notice in writing specifying the deficiencies will be provided to the school. The school shall have no more than sixty (60) days to correct the deficiencies or the course will be deemed denied.

(8) With prior written permission on file from the original school, other accredited schools may offer a currently approved course and must be able to present the written permission upon request to the commission.

(9) Courses that are substantially unchanged that have been approved in the immediately preceding license period may make application, prior to the expiration date of that course, as a course renewal on a form prescribed by the commission.

(10) No classroom Salesperson Pre-Examination Course, Broker Pre-Examination Course, or Missouri Real Estate Practice Course may exceed eight (8) hours in length per day and must provide for at least a half-hour break after four (4) hours.

(11) No approved school may offer more than six (6) hours of continuing education classroom instruction to a student in any one (1) day.

(12) No part of any approved education course shall be used to solicit membership in organizations, recruit licensees for affiliation with any organization or advertise the merits of any organization.

(13) Dates, times and location(s) of classroom course offerings must be electronically submitted to the commission at least ten (10) days prior to each course offering. Should changes occur in this information, the school must submit the changes immediately via the reporting method prescribed by the commission.

(14) Advertising for an approved distance delivered course shall clearly describe all course requirements that must be met by the licensee/student, including satisfactory completion of a final examination.

(15) The student must be physically present in the classroom during one hundred percent (100%) of the actual classroom instruction unless there is good cause as determined by the school and then the school, at its discretion, may allow a student to be absent up to ten percent (10%) of the required hours and still be issued a certificate of attendance. Documentation of duration of absence must be maintained in the school's records.

(16) No school shall allow anyone to use the school's premises or classroom to recruit new affiliates for any company one (1) hour before, one (1) hour after, during break periods, lunch periods or during an instruction period, nor shall any school provide lists of students attending classes to any broker for the purposes of recruiting.

(17) The school, at the close of any classroom course, shall hand to each individual who has satisfactorily completed the course, a certificate of course completion in a form prescribed by the commission. For licensees who register for the continuing education course on-site without pre-registration, the certificate of course completion must be sent to the licensee within five (5) days of the course completion and the school must have an adequate sign-in/sign-out procedure to ensure attendance and certificate issuance.

(18) Within no more than ten (10) days of the completion of a course, the school shall electronically submit to the commission in a format prescribed by the commission, a complete and accurate list of attendees who have satisfactorily completed the course.

(19) All courses of study must be taught in adherence to the outline on file with the commission. In the event a substantive change is proposed, the school must file a revised course outline on a form prescribed by the commission at least thirty (30) days in advance of the scheduled course offering. Approval in writing from the commission must be received prior to implementation of any substantive course change. The commission must respond to any proposed changes within twenty (20) days of receipt.

*AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will cost private entities less than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RULE**

**4 CSR 250-7.080 Additional Requirements for Approved Schools Offering Distance Delivered Courses**

*PURPOSE: This rule outlines additional requirements for real estate schools offering prelicense or continuing education courses by distance delivery.*

(1) Schools desiring to offer the Salesperson and/or Broker Pre-Examination Course, the Missouri Real Estate Practice Course and/or continuing education course(s) by distance delivery must provide, in addition to the properly completed application, the following:

(A) An exact copy or access to the entire course as it will be offered to the student to demonstrate how the student will interact and acquire knowledge of the required subjects;

(B) For each three (3) hour course, two (2) final examination forms (primary and alternate) of thirty (30) multiple choice items each, with no duplication of items and a key showing correct responses. For each pre-examination course, Missouri Real Estate Practice Course, or continuing education course of more than three (3) hours, two (2) final examination forms (primary and alternate) of at least fifty (50) multiple choice items each, with no duplication of items and a key showing correct responses. Examinations must reflect sound test development practices and must measure knowledge of the subject matter of the entire course as set out in the learning objectives as well as reflect the level of knowledge presented in the program;

(C) A copy of all examination questions and answer key, and if any question pool is used, an explanation as to how pooled exam questions are selected;

(D) A statement setting out the methods the school will use to assure that examinations are maintained securely; and

(E) A statement attesting that within ten (10) days following administration of the final examination, the school shall deliver to the student who achieves a score of at least seventy-five percent (75%) a certificate of course completion on a form prescribed by the commission.

(2) For each continuing education course, a complete outline showing all subjects covered in the course and no fewer than three (3) unique learning objectives per course hour.

(3) To the student, a course introduction statement setting out the dates during which the course is approved by the commission, the terms and conditions under which the final examination will be

administered, including review of the completed workbook, and a list of specific learning objectives referenced in the final examination.

(4) By July 31 and January 31, statistical information on completion times for the preceding period must be provided to the Missouri Real Estate Commission. If statistics indicate that at least fifty percent (50%) of real estate students took less time to complete the course than identified on the course submission, the school shall have ten (10) days to either withdraw the course offering or to provide an amended course outline to remedy the course deficiency.

*AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately four thousand six hundred eighty-two dollars and forty-eight cents (\$4,682.48) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities an estimated fifteen thousand dollars (\$15,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*



## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 7 - Schools

Proposed Rule - 4 CSR 250-7.080 Additional Requirements for Approved Schools Offering Distance Delivered Courses

Prepared March 20, 2006 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$4,682.48

**Total Annual Cost of Compliance for the Life of the Rule**      **\$4,682.48**

## III. WORKSHEET

Applications are received and processed by the board. The Real Estate Education Specialist will spend approximately 16 hours auditing schools for compliance. The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent auditing schools for compliance. The total cost was based on the cost per application multiplied by the estimated auditing schools for compliance.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist	\$27,256	\$40,581.46	\$19.51	16 hours	\$312.17	\$4,682.48

**Total Costs**      **\$4,682.48**

## IV. ASSUMPTION

1. The commission estimates approximately 15 schools will offer prelicense or continuing education courses by distance delivery.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.



**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division 250 - Missouri Real Estate Commission**

**Chapter 7 - Schools**

**Proposed Rule - 4 CSR 250-7.080 Additional Requirements for Approved Schools Offering Distance Delivered Courses**

Prepared March 20, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
15	Schools (Capturing of Statistical Information - \$1000)	\$15,000
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$15,000</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The above estimations were based on historical number of schools offering courses by distance delivery.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 7—Schools**

**PROPOSED RULE**

**4 CSR 250-7.090 Investigation and Review of Accredited Schools and Approved Courses**

*PURPOSE: This rule outlines additional requirements for approved schools offering distance delivered courses.*

(1) The commission may, upon its own motion, or upon written complaint filed by any person, investigate the school, courses, course delivery and/or records maintained by an accredited school.

(2) In conducting such investigation, the commission shall have the power to hold an investigatory hearing to determine whether there is a probability that the school, or any person acting on its behalf, has performed or attempted to perform any act or practice in violation of the statutes and regulations.

(3) The commission may also investigate approved or proposed course offerings by conferring with sponsors and instructors, by visiting (with or without prior notice), or by surveys to participants, instructors and/or the school administrator.

(4) The commission may deny, suspend, revoke or place on probation the accreditation of any school if it is determined that the school, administrator, staff, instructor(s) or any person associated in any way have violated any of the requirements of Chapter 7 of these regulations or have performed or attempted to perform any acts identified in 4 CSR 250-7.060(5).

(5) The commission may cause a complaint against the school to be filed with the Administrative Hearing Commission as provided by law when the commission believes there is a probability that a school or any person acting on its behalf has performed or attempted to perform any of the following acts:

(A) Fails to maintain the standards set out in Chapter 7 of these regulations;

(B) Is a party to any falsification of any document or other information provided to, or maintained at the request of the commission;

(C) Makes any false statement or substantial misrepresentation in applying for accreditation;

(D) Submits an application or supporting material that contains false or misleading statements or substantial misrepresentations;

(E) Has an accumulative pass rate for first-time examinees taking the school's Salesperson Pre-Examination Course or Broker Pre-Examination Course that falls below forty percent (40%) for three (3) of the last six (6) months;

(F) Causes, permits or otherwise encourages the communication of any advertising or solicitation of any kind, whether written or oral, designed to induce or encourage students, enrolled or to be enrolled at the school to enter into employment with any broker;

(G) Permits any person or entity to recruit students enrolled at the school by means of coercion, pressure tactics, free offerings, rebates or similar means;

(H) Engages in conduct which constitutes or demonstrates dishonest dealings, bad faith or untrustworthiness;

(I) Engages in inappropriate conduct in the classroom including but not limited to the use of profanity, telling of offensive jokes, and making inappropriate remarks unrelated to the subject matter;

(J) Fails to file with the commission, accurate, timely, and complete records;

(K) Awards credit to any student who has either not taken the course or who has failed to satisfactorily complete the course;

(L) Makes false statements regarding and/or promotes specific real estate related business models, organization structures, or organizations and fee structures; and/or

(M) As a real estate licensee violates the statutes or regulations that govern the practice of real estate in this state.

*AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately six thousand one hundred forty-five dollars and forty-nine cents (\$6,145.49) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities less than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

PUBLIC ENTITY FISCAL NOTE

I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 10 - Continuing Education

Proposed Rule - 4 CSR 250-7.090 Investigation and Review of Accredited Schools and Approved Courses

Prepared March 20, 2006 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$6,145.49
Total Annual Cost of Compliance for the Life of the Rule	
	\$6,145.49

III. WORKSHEET

The commission anticipates receiving 10 complaints per year and estimates an Investigator II will spend 3 days investigating and reporting on each complaint. The figures below represent costs paid by the Missouri Real Estate Commission for implementation

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent investigating complaints. The total cost was based on the cost per application multiplied by the estimated number of complaints.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Investigator II	\$35,772	\$53,260.93	\$25.61	24 hours	\$614.55	\$6,145.49

Total Costs \$6,145.49

IV. ASSUMPTION

- 1 It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED RESCISSION**

**4 CSR 250-10.010 Requirements.** This rule implemented the continuing education mandates.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10 and to coincide with amendments to require a new licensee to complete a forty-eight (48)-hour pre-examination course and a twenty-four (24)-hour Missouri real estate practice course prior to obtaining a license.

*AUTHORITY:* sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to [realestate@pr.mo.gov](mailto:realestate@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED RESCISSION**

**4 CSR 250-10.020 Sponsors.** This rule implemented the continuing education mandates.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

*AUTHORITY:* sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to [realestate@pr.mo.gov](mailto:realestate@pr.mo.gov). To be considered, comments must be

received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED RESCISSION**

**4 CSR 250-10.030 Classroom Course Approval.** This rule implemented the continuing education mandates.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

*AUTHORITY:* sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 17, 1986, effective June 28, 1986. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Amended: Filed Dec. 1, 1997, effective Sept. 1, 1998. Amended: Filed June 28, 2002, effective Dec. 30, 2002. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to [realestate@pr.mo.gov](mailto:realestate@pr.mo.gov). To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED RESCISSION**

**4 CSR 250-10.040 Classroom Course Instructor Approval.** This rule implemented the continuing education mandates.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

*AUTHORITY:* sections 339.040, 339.045, and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the

Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED RESCISSION**

**4 CSR 250-10.050 Physical Facilities for Classroom Courses.** This rule implemented the continuing education mandates.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

*AUTHORITY:* sections 339.045, RSMo 1986 and 339.040 and 339.120, RSMo Supp. 1993. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED RESCISSION**

**4 CSR 250-10.060 Advertising.** This rule implemented the continuing education mandates.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

*AUTHORITY:* sections 339.045, RSMo 1986 and 339.040 and 339.120, RSMo Supp. 1993. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED RESCISSION**

**4 CSR 250-10.070 Records.** This rule implemented the continuing education mandates.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

*AUTHORITY:* sections 339.040, 339.045 and 339.120, RSMo 2000. Original rule filed March 14, 1984, effective June 11, 1984. For intervening history, please consult the *Code of State Regulations*. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS:* Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC  
DEVELOPMENT  
Division 250—Missouri Real Estate Commission  
Chapter 10—Continuing Education**

**PROPOSED RESCISSION**

**4 CSR 250-10.075 Individual Study Courses.** This rule implemented the continuing education mandates.

*PURPOSE:* This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.

*AUTHORITY:* section 339.120, RSMo Supp. 1993. Original rule filed Feb. 2, 1993, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.

*PUBLIC COST:* This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.



**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 250—Missouri Real Estate Commission Chapter 10—Continuing Education**

#### **PROPOSED RESCISSION**

**4 CSR 250-10.080 Investigation and Review.** This rule implemented the continuing education mandates.

**PURPOSE:** *This rule is being rescinded in order to reorganize Chapters 6, 7, and 10.*

**AUTHORITY:** *sections 339.045, RSMo 1986 and 339.040 and 339.120, RSMo Supp. 1993. Original rule filed March 14, 1984, effective June 11, 1984. Amended: Filed March 16, 1988, effective July 1, 1988. Amended: Filed Feb. 2, 1994, effective Aug. 28, 1994. Rescinded: Filed April 6, 2006.*

**PUBLIC COST:** *This proposed rescission will cost state agencies or political subdivisions less than five hundred dollars (\$500) in the aggregate.*

**PRIVATE COST:** *This proposed rescission will cost private entities less than five hundred dollars (\$500) in the aggregate.*

**NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

#### **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

##### **Division 250—Missouri Real Estate Commission Chapter 10—Continuing Education**

#### **PROPOSED RULE**

##### **4 CSR 250-10.100 Continuing Education Requirements for Licensees**

**PURPOSE:** *This rule outlines the continuing education requirements for licensees.*

(1) Each real estate licensee who holds an active license shall complete during the two (2)-year license period prior to renewal, as a condition precedent to license renewal, a minimum of twelve (12) hours of real estate instruction approved for continuing education credit by the Missouri Real Estate Commission. An active license is any license issued by the commission except those which have been placed on inactive status. Failure to provide the commission evidence of course completion as set forth shall constitute grounds for not renewing a license. For purposes of 4 CSR 250-10, an hour is defined as sixty (60) minutes, at least fifty (50) minutes of which shall be devoted to actual classroom instruction and no more than ten

(10) minutes of which shall be devoted to a recess. No credit will be allowed for fractional hours.

(2) Licensees will be responsible for verification, via the Missouri Real Estate Commission's Internet system, that all Missouri approved continuing education courses taken during the current renewal period by the licensee have been reported to the commission by the school. It shall be the licensee's responsibility to report any missing information to the course provider so that accurate records of courses are reflected in the commission's records.

(3) At least three (3) hours of the twelve (12) hours of approved instruction shall be taken in a course identified by the Missouri Real Estate Commission and noticed on its official website, no later than March 31 of each even-numbered year as a core course for the following renewal period. Should the commission not identify a topic for the core course, approved schools may submit courses for core consideration in any of the following areas:

- (A) Missouri laws governing the transfer of real property;
- (B) Broker supervision and escrow account management;
- (C) Fair housing;
- (D) Property management;
- (E) Commercial brokerage; or
- (F) Agency and brokerage relationships.

(4) The balance of the twelve (12) hours of instruction shall consist of courses which have been approved for continuing education credit by the Missouri Real Estate Commission. The commission will approve those courses which are determined by it to be those through which real estate licensees can remain qualified and can become more competent to provide a higher level of public service and public protection, and are based on consumer protection or service concepts which are founded on Missouri or federal laws related to real estate transactions.

(5) Individual licensees may receive continuing education credit for courses taken in Missouri or another state which have not been previously submitted by the sponsor for approval, provided course content, instructor qualifications and course delivery are acceptable to the commission. Applications for non-preapproved course credit must be on a form prescribed by the commission, accompanied by a nonrefundable evaluation fee of ten dollars (\$10) per course along with a course description and a typed certificate of completion authenticated by the course provider. Applications for non-preapproved course credit must be postmarked as applied by the postal service or hand delivered to the office of the Missouri Real Estate Commission no later than ninety (90) days prior to the licensee's renewal date.

(6) The commission may waive all or part of the continuing education requirements upon a showing by the licensee that it is not feasible for the licensee to satisfy the requirements prior to the renewal date. Waivers may be granted, with acceptable documentation, for the following causes:

- (A) Serious physical injury or illness of the licensee throughout the two (2)-year license period immediately preceding renewal of license;
- (B) Active duty in the armed services of the licensee throughout the two (2)-year license period immediately preceding renewal of license;
- (C) Is licensed to practice law;
- (D) Licensee is at least eighty (80) years of age;
- (E) Member of the United States or Missouri Senate or House of Representatives at any time during the renewal period to which the waiver applies; and
- (F) Member of the Missouri Real Estate Commission during any portion of the renewal period to which the waiver applies.

(7) The following offerings will not be considered by the commission to meet Missouri continuing education requirements even though these offerings may be approved by other states or jurisdictions:

(A) Training or education not applicable to Missouri real estate practice;

(B) Training or education in office and business skills such as typing, speedreading, memory improvement, report writing, personal motivation, salesmanship, sales psychology and time management;

(C) Sales promotions or other meetings held in conjunction with general real estate brokerage activity;

(D) Meetings which are a normal part of in-house training;

(E) That portion of any offering devoted to meals or refreshments; and

(F) Any course or program that is less than three (3) hours in duration.

(8) Hours obtained in excess of the twelve (12) hours required during each license renewal period may not be carried forward to satisfy the requirements for any subsequent renewal period.

(9) Credit will be given to a licensee for completing a specific course only once during a license renewal period.

(10) An instructor who is also a licensee, may be granted continuing education credit for teaching an approved course to licensees. The credit may be granted to that instructor only once for each course or substantially similar course offered during any renewal period.

(11) Each licensee shall be responsible for providing the commission, upon request, a true copy of any certificate of course completion.

*AUTHORITY: sections 339.045, RSMo 2000 and 339.090 and 339.120, RSMo Supp. 2005. Original rule filed April 6, 2006.*

*PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately thirteen thousand six hundred fifty-seven dollars and twenty-two cents (\$13,657.22) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*PRIVATE COST: This proposed rule will cost private entities an estimated three hundred ten thousand dollars (\$310,000) annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Real Estate Commission, Janet Carder, PO Box 1339, Jefferson City, MO 65102, by facsimile at (573) 751-2777 or via e-mail to realestate@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

## PUBLIC ENTITY FISCAL NOTE

## I. RULE NUMBER

Title 4 -Department of Economic Development

Division 250 - Missouri Real Estate Commission

Chapter 10 - Continuing Education

Proposed Rule - 4 CSR 250-10.100 Continuing Education Requirements for Licensees

Prepared March 20, 2006 by the Division of Professional Registration

## II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Real Estate Commission	\$13,657.22
<b>Total Annual Cost of Compliance for the Life of the Rule</b>	
	<b>\$13,657.22</b>

## III. WORKSHEET

The Real Estate Education Specialist will spend approximately 16 hours reviewing course proposals and course certificates. The figures below represent costs paid by the Missouri Real Estate Commission for implementation of this rule.

Employee's salaries were calculated using the annual salary multiplied by 48.89% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the auditing schools for compliance. The total cost was based on the cost per application multiplied by the estimated number of schools.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Real Estate Education Specialist (review courses)	\$27,256	\$40,581.46	\$19.51	2 hours	\$39.02	\$11,706.19
Real Estate Education Specialist (review of course certificates)	\$27,256	\$40,581.46	\$19.51	10 minutes	\$1.95	\$1,951.03

**Total Costs**      **\$13,657.22**

## IV. ASSUMPTION

1. The commission anticipates reviewing 300 proposals for course approval and 1000 requests for consideration of individual credit.
2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, private entity fees are set at an amount to cover the total actual cost incurred by the board, which includes personal service, expense and equipment and transfers.

**PRIVATE ENTITY FISCAL NOTE**

**I. RULE NUMBER**

**Title 4 -Department of Economic Development**

**Division 250 - Missouri Real Estate Commission**

**Chapter 10 - Continuing Education**

**Proposed Rule - 4 CSR 250-10.100 Continuing Education Requirements for Licensees**

Prepared March 20, 2006 by the Division of Professional Registration

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
300	Schools (Course Development - \$1000)	\$300,000
1,000	Individuals (Consideration of Individual Credit - \$10)	\$10,000
	<b>Estimated Annual Cost of Compliance for the Life of the Rule</b>	<b>\$310,000</b>

**III. WORKSHEET**

See table above.

**IV. ASSUMPTION**

1. The board estimates approximately 85 schools will offer approximately 1,000 courses per education cycle. Based on conversation with an education provider, while the cost to develop a course will vary greatly, depending on the subject matter and the teaching level of the course, the board estimates a medium development cost of \$1,000 per course.

Historical data indicates approximately 650 individuals request consideration of various non-approved courses be considered for continuing education credit. Approximately 1/3 of those requests are for multiple course reviews.

2. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The board is statutorily obligated to enforce and administer the provisions of Chapter 326, RSMo. Pursuant to Section 326.319, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 326, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 326, RSMo. This proposed amendment is necessary because the board's projected revenue will not support the expenditures necessary to enforce and administer the provisions of Chapter 326, RSMo, which will result in an endangerment to the health, welfare, and safety of the public.

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 45—Division of Mental Retardation and  
Developmental Disabilities  
Chapter 2—Eligibility for Services**

**PROPOSED RULE**

**9 CSR 45-2.015 Prioritizing Access to Funded Services**

*PURPOSE: This rule establishes how individuals otherwise eligible for services will be selected for funded services and programs administered by the Department of Mental Health, Division of Mental Retardation and Developmental Disabilities, when services cannot be provided to all eligible individuals with developmental disabilities in the state of Missouri through the funding that is appropriated.*

(1) Definitions.

(A) Community services—Supports funded and purchased through the Department of Mental Health Purchase of Service System (POS) with general revenue appropriations to assist individuals who have mental retardation and developmental disabilities to live in the community. Eligibility for Medicaid is not required.

(B) Community Support Waiver—A set of services, not including residential services, for Medicaid eligible individuals who have mental retardation and/or a developmental disability who have been determined to otherwise require the level of care provided in an Intermediate Care Facility for Mental Retardation (ICF/MR).

(C) Comprehensive Waiver—A set of services, including residential services, for Medicaid eligible individuals who have mental retardation and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/MR.

(D) Division—Division of Mental Retardation and Developmental Disabilities.

(E) Sarah Jian Lopez Waiver—A set of services, not including residential services, for children under the age of eighteen (18) living with their parents, who are not Medicaid eligible, who have mental retardation and/or a developmental disability who have been determined to otherwise require the level of care provided in an ICF/MR.

(2) The division's utilization review process as set forth in 9 CSR 45-2.017 shall be applied to all individuals prior to participation in new services or programs.

(3) Individuals otherwise eligible for services through the Comprehensive or Community Support Medicaid Waiver and who are determined to meet emergency criteria as described in 9 CSR 45-2.017(1)(E) and who require out-of-home residential services or for whom out-of-home residential care is imminent without in-home services, shall receive priority consideration in participating in a waiver.

(A) Participation in the Community Support Waiver shall be considered first, for individuals meeting emergency criteria whose needs can be met with in-home services. Individuals who meet emergency criteria shall be approved to participate in the Community Support Waiver when the regional center determines the needs of the individual can be appropriately met by that waiver.

(B) The requested services shall be directly related to preventing the person from entering a Medicaid institution or enabling the person to leave a Medicaid institution.

(C) Division treatment professionals shall determine the following:

1. If the individual's service/support needs can be met in the community;
2. If the individual is eligible for the waiver; and
3. If the individual chooses waiver services over institutional services.

(4) Individuals who are otherwise eligible for services through the Comprehensive and Community Support Waivers, who do not meet emergency criteria and have not been enrolled, shall be placed on a waiting list. Individuals on the waiting list shall be served according to the prioritization of need (PON) score, as set forth in 9 CSR 45-2.017, as funding becomes available.

(A) When two (2) or more individuals have the same PON score, the individual(s) who has been on the waiting list the longest time shall be given priority.

(5) Children under the age of eighteen (18) assessed by a regional center as meeting basic eligibility criteria for participation in the Sarah Jian Lopez Medicaid Waiver shall be served from the waiting list as turnover occurs based on prioritized need. Determining prioritized need shall include reviewing the following:

- (A) PON score(s);
- (B) Frequency of need for waiver services;
- (C) Family ability to otherwise meet needs;
- (D) Any emergency need (9 CSR 45-2.017); and
- (E) Access to other resources to meet needs.

(6) Individuals who are not Medicaid eligible shall be placed on a waiting list for community services. Individuals on the waiting list shall be served according to the PON score as funding becomes available.

(7) Waiver Participant Turnover.

(A) Funds available due to participants leaving (turnover) the Comprehensive or Community Support Waiver shall first be used for individuals served in that waiver who have increased needs. When these needs are met, funds that become available from turnover may be used to enroll new individuals in the waiver.

(B) When turnover occurs in an existing living arrangement, the regional center shall determine if an individual in the region, district, or state meeting emergency criteria or with the highest PON score would be appropriately served in the arrangement and chooses this living arrangement (including location); and if the agency providing supports is able to provide the supports to the person.

1. If the arrangement is not appropriate or acceptable to an individual meeting emergency criteria or with the highest PON score, the regional center shall determine if the living arrangement is acceptable and appropriate for an individual with the next highest utilization review (UR) score on the waiting list. If it is not, the regional center may request approval for another person on the waiting list in the region or district to participate in the waiver according to prioritized need, who is agreeable to the living arrangement and is a compatible household member for current residents.

*AUTHORITY: sections 630.050 and 633.110.2, RSMo 2000. Emergency rule filed Oct. 1, 2004, effective Oct. 15, 2004, expired April 15, 2005. Original rule filed March 31, 2006.*

*PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule by writing to Kay Green, Director of Federal Programs, Division of Mental Retardation and Developmental Disabilities, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**Title 9—DEPARTMENT OF MENTAL HEALTH  
Division 45—Division of Mental Retardation and  
Developmental Disabilities  
Chapter 2—Eligibility for Services**

**PROPOSED RULE**

**9 CSR 45-2.017 Utilization Review Process**



*PURPOSE: This rule formally establishes a statewide utilization review process to: ensure individuals eligible for division services with similar needs are treated consistently and fairly throughout the state; ensure each individual's annual plan accurately reflects the individual's needs; ensure levels of service are defined and documented within the outcomes of each individual's plan; prioritize need for services; and ensure accountability of public funds.*

(1) Definitions.

(A) Authorization—Approval notice to a provider that a specific amount of service at a specific rate may be provided to an individual.

(B) Budget—The total cost of services and supports recommended or approved to meet an individual's needs identified in a plan.

(C) Department—Department of Mental Health.

(D) Division—Division of Mental Retardation and Developmental Disabilities.

(E) Emergency criteria consists of one (1) or more of the following:

1. The individual is in immediate need of life-sustaining services (food and shelter, or protection from harm) and there is no alternative to division funding or provision of those services;

2. The individual needs immediate services in order to protect another person or persons from imminent physical harm;

3. The individual is residing in a public institution such as an intermediate care facility for persons who have mental retardation (ICF/MR) and has been assessed as able to live in a less restrictive arrangement in the community, the individual wants to live in the community, and appropriate services and supports can be arranged through the waiver;

4. The individual had been receiving significant services through division funded programs and services, is evaluated to still need the significant level of services, but is no longer eligible for the program or services due to age or other criteria;

5. The individual is in the care and custody of the Department of Social Services, Children's Division, which has a formal agreement in place with a division regional center to fund the costs of waiver services for the specific individual;

6. The individual is under age eighteen (18) and requires coordinated services through several agencies to avoid court action; or

7. The individual is subject to ongoing or pending legal action that requires immediate delivery of services.

(F) Plan—An annual plan of care identifying all support needs an individual with a developmental disability has and how the needs shall be met.

(G) Prioritization of need (PON)—Process that assigns a score to the level of need for an individual for a specific service need that is wait listed so that persons with the greatest need for services and supports are served first when funding is available.

(H) Responsible party—The parent(s) of a minor child, spouse, court appointed guardian, public administrator or any other person who has legal authority to make decisions for a person served by the division.

(I) Senate Bill 40 County Developmental Disability Boards (SB40 Board)—County boards established pursuant to section 205.970, RSMo, to provide services with voter approved tax levies to residents of that county who are handicapped persons as defined in sections 178.900 and 205.968, RSMo.

(J) Service/Support—Informal and formal means of meeting needs identified in the plan of care.

(K) Utilization Review Committee (URC)—A formal committee established at each regional center to review proposed plans and budgets and make recommendations before services are approved and authorized.

(2) Each regional center director shall appoint a URC. URC members shall be regional center staff representing: a) quality assurance; b) community resource specialist; c) business office; d) service coordi-

ination; and/or e) administration. Membership may also include a parent or guardian representative and a SB40 Board representative. A minimum of three (3) members shall be present in order for the URC to conduct official business.

(A) The URC shall meet a minimum of once per week.

(B) The URC shall review the following personal plans:

1. All initial plans/budgets with funds;

2. Amended plans that increase the total plan/budget by adding a new service or increasing the dollar amount of a specific service; and

3. Plans at the discretion of the local URC.

(C) To ensure documentation in the personal plan and budget supports the service need, the URC shall use the Utilization Review Checklist, included herein, to review each plan and budget.

(D) Other plan and budget reviews shall continue to be completed by the service coordinator and/or service coordination supervisor, as directed by the regional center director.

(E) The URC shall evaluate need and assign a PON score for service needs that cannot immediately be funded.

(3) Two (2) months prior to the proposed plan and budget implementation, the service coordinator shall meet with the individual's family to prepare a plan and budget with justification for the individual's support needs.

(A) The initial plan and budget shall be agreed to and signed by the individual or responsible party. The service coordinator and the individual or responsible party shall receive a copy of the plan and budget prior to submission of the plan and budget to the URC.

(4) One (1) month prior to the proposed plan and budget implementation, the service coordinator shall submit the signed plan to the URC.

(A) If plan and budget submission to the URC shall otherwise be delayed due to the inability of the service coordinator to obtain the signature of the individual or responsible party, then the plan and budget shall be forwarded to the URC without the signature and a copy of the plan and budget shall be mailed to the individual or responsible party.

(5) The URC shall review the plan and budget within six (6) working days of receipt.

(A) If no additional information is required, the URC shall send a recommendation to the regional center director or designee to approve or disapprove the plan and budget. If more information is needed to review the plan or changes are necessary in the budget or service authorization associated with a plan, that information shall be requested from the service coordinator, who has ten (10) working days to respond to the URC.

(B) The URC shall submit the completed recommendation form, included herein, to the regional center director or designee to approve or disapprove the plan and budget no later than six (6) working days following receipt of all needed information.

(6) The regional center director or designee shall approve, amend, or disapprove the URC recommendation within five (5) working days of receipt.

(7) Upon final action by the regional center director or designee to approve, amend or disapprove a plan and budget, a copy of the final decision letter and the completed plan and budget shall be provided to the individual or responsible party, service coordinator and provider(s) by regular mail, fax or hand delivery. If the regional center director or designee disapproves a plan and budget, the regional center director or designee shall include in the final decision letter the reasons for the disapproval or amendment.

(8) The individual or responsible party may appeal the final decision, in writing or verbally, to the regional center director within thirty (30) days from the date of the final decision letter.

(A) If necessary, appropriate staff shall assist the individual or responsible party in making the appeal.

(B) The regional center director or designee may meet with the individual or responsible party and any staff to obtain any newly discovered information relevant to the final decision and to hear any comments or objections related to the final decision.

(C) Within ten (10) working days after receiving the appeal, the regional center director or designee shall notify the individual or responsible party in writing of his/her final decision.

(9) When the final decision, as set forth in section (8) above, results in any individual being denied service(s) based on a determination the individual is not eligible for the service(s) or adversely affects a waiver service for an individual, the individual may appeal in accordance with the procedures set forth in 9 CSR 45-2.020(3)(C) and (5).

(A) An individual participating in a Division Medicaid Waiver program has appeal rights through both the Department of Mental Health and the Department of Social Services. Those individuals may appeal to Department of Social Services before, during or after exhausting the Department of Mental Health appeal process. Once the appeal process through Department of Social Services begins, appeal rights through the Department of Mental Health cease. Individuals appealing to the Department of Social Services must do so in writing within ninety (90) days of written notice of the adverse action to request an appeal hearing. Requests for appeal to the Department of Social Services should be sent to: Division of Medical Services, Recipient Services Unit, PO Box 6500, Jefferson City, MO, 65102-6500, or call Recipient Services Unit at 1 (800) 392-2161.

(10) If an individual timely files an appeal of a final decision, services currently being provided under an existing plan of care will not be suspended, reduced or terminated pending a hearing decision unless the individual or legal representative requests in writing that services be suspended, reduced or terminated.

(A) The individual may be responsible for repayment of any federal or state funds expended for services while the appeal is pending if the hearing decision upholds the director's decision.

(11) The service coordinator shall provide guidance to the family about any alternative resources potentially available to support needs that are not approved through the URC process.

(12) New services/supports shall not begin before the plan and budget are approved through the URC, except in an emergency situation approved by the regional center director or designee.

(13) Budgets are determined by the total cost of all services and supports paid through the billing system of the department. Services and supports paid for outside of the department billing system are excluded.

(A) When multiple family members are receiving division services, this shall be noted. All of the budgets shall be considered together in the utilization review process in order to have a comprehensive picture of all services/supports going into a single home so the necessary level of services can be determined. This does not require each family member's plan be on the same plan year, but does require all of the current supports in the home be considered.

(B) Applicable Medicaid State Plan services shall be accessed first when the individual is Medicaid eligible and the services will meet the individual's needs.

(14) Once a budget is approved through the utilization review process, any request for additional funds shall be added to the approved budget (the total cost of all services/supports—including

department, SB40 Board Waiver and non-waiver match, and Medicaid Waiver match dollars) to determine the new utilization review level. The additional request may not be considered in isolation of other services/supports the individual and family are receiving.

(15) A review of a single service should not delay the implementation of other services in the plan.

(16) The URC shall complete the priority of need form, included herein, and shall assign a score for each service request in one (1) or more of the following six (6) categories of need: emergency; health and safety; family support; daily living supports; inclusion and/or recreational supports; and long-term planning.

(A) The URC shall consider a service/support for inclusion on a prioritized waiting list if the service support meets each of the following criteria:

1. Need for the service/support is documented in the person centered plan as necessary for the individual's health, safety, and/or independence and alternative funding or programs are not available to meet the need; and

2. Need for the service/support is specifically related to the person's disability (i.e., not something that would be needed regardless of the person's disability).

(B) Individuals evaluated with needs meeting emergency criteria receive highest priority in receiving funding for services.

## DEPARTMENT OF MENTAL HEALTH – Utilization Review Checklist

<b>REGIONAL CENTER:</b> _____	<b>DATE OF REVIEW:</b> _____
Consumer Name: _____	Case #: _____
UR TOTAL \$ _____ 1 <sup>ST</sup> year _____ Annual _____ Last year URL \$ _____	
Additional Information: _____ _____	

### PLANNING

_____	Does the plan document the need for each service/support?
_____	Are clear outcomes identified for each service/support?
_____	What alternative solutions including technological, adaptive equipment, community resources have been explored to achieve identified outcomes?
_____	Have needs been prioritized by the person/family?
_____	How long has this level of support been in place?
_____	Has progress toward the stated outcomes been documented?
_____	If the person is Medicaid eligible, have applicable state plan services been accessed when they will meet the needs? <b>(For persons under age 21, this includes all OT, PT, and speech therapies, most adaptive equipment, diapers, and personal care that meet the state plan definition. For adults, this includes personal care provided through Department of Health and Senior Services.)</b> If not, why?
_____	For children, are any services/supports requested the responsibility of the local school district? <b>(The Division cannot supplant services/supports that should be provided by local school districts. The plan should note therapies the child is receiving at school, including frequency, intensity, and duration.)</b>
_____	For children, if additional therapies are educationally necessary, have they been pursued through the IEP process?

### FINANCIAL Where applicable:

_____	Are prescriptions or recommendations for therapies, equipment, etc., attached?
_____	Are denial letters from insurance companies or other primary funding sources attached?
_____	Are bids attached?
_____	Is the budget page completed, including frequency and rates? Is the math correct?
_____	Were there services last year that were authorized and not invoiced? If not, why?
_____	Did last year's authorizations/expenditures match the approved budget?
_____	Are cost projections reasonable based on ongoing service needs?
_____	Is the proposed solution the most cost effective, if not why?

___	Is the MRDD funding source noted? (i.e. Choices)
___	Are all expenditures within the program/service cap? <b>(ABA \$5,000; Environmental Accessibility Adaptations Home Modifications \$5,000; Choices \$3,600, etc.)</b>
___	Are there contracts with providers who are receiving over \$3000 per year?
___	If there is a request for adaptive equipment, does the plan identify the specific equipment/supplies needed and the justification for each? <b>(It is not acceptable to approve "up to" the cap for a program service without justification.)</b>
___	Is there a redirection of funds involved? <b>(Do health and safety needs justify redirection?)</b>
___	Has the person applied for Medicaid? If ineligible, why? _____

### MISSOURI VALUES

___	Is the service a NEED rather than a WANT? To determine the difference, ask the question "What would happen without the service?" "Needs" meet health, safety, and independence requirements (as appropriate to the individual) that cannot be met by any alternative funding or program source. <b>(Is this for maintenance of independent living, prevention from moving to a more restrictive setting, proactive prevention of a potentially abusive situation, etc.?)</b>
___	Does the service facilitate a typical lifestyle and not foster dependence on the system?
___	Is the amount of support based on the level of need?
___	Have natural supports or other ways to meet the need been explored first?
___	Is the service/support something that families do not typically provide?
___	Would Missouri taxpayers agree service/support should be purchased with state tax dollars?

### RESIDENTIAL

___	Is this a single person ISL? ___Yes ___No If Yes, is the following information in the plan: Other options tried? ___Yes ___No (If yes, explain outcome of those options. If No, explain why other options were not tried.)
___	Is the Administration fee limited to 15% or \$500 maximum?
___	Are room and board costs within the financial means of the individuals living in the home?
___	Is the level of overnight support justified in the plan?
___	Are the hours of paid support (for example, ISL, Day Hab, Employment) limited to 24 hours per day?
___	Are there other issues of concern?

Service Coordinator

Date

Utilization Review Committee Representative

Date

**DEPARTMENT OF MENTAL HEALTH**  
**Utilization Review Committee Recommendations**

Consumer Name: _____ SC Name: _____			
ID Number: _____		Date Reviewed: _____	
Plan Year: _____	Annual	Amendment	
<i>Recommendations are as follows:</i>			Members of UR Team:
			Information due:
<i>Action Taken:</i> (Response due to UR Committee by date noted above)			
<i>Date of Second Review:</i> _____		<i>UR Committee Recommendation to Action Taken:</i>	
Committee Members _____			
<i>Summary of Recommendations:</i>			
This plan needs to be reviewed in _____ months. This plan does not require annual utilization review. _____			
Approve as Submitted _____			
Approve with Modifications _____			
Do Not Approve _____			
Identify Services Recommended for Wait List: _____			
U.R. Committee Chair or Designee _____		Date _____	Annual Budget \$ _____
<b>UR Recommendations Approved</b> Yes ___ No ___ Modified ___			
Center Director/designee _____		Date: _____	
Comments:			



## DEPARTMENT OF MENTAL HEALTH

### Prioritization of Need for Services/Supports

Residential

In-Home Support

Consumer Name: _____	Case #: _____
Service Coordinator: _____	Date Placed on Waiting List: _____
Service #1 Category/Points: _____	
Service #2 Category/Points: _____	
Service #3 Category/Points: _____	
Additional Information: _____	
Date Scored: _____	URC Representative: _____

In order to be on the prioritized waiting list for services/supports, the service/support *must be*:

- Identified as a need in a person-centered plan;
- Specifically related to the person's disability (i.e., not something that would be needed regardless of the person's disability); and
- Unavailable through natural support systems or other funding sources.

First, read through the categories, then:

- Pick the category that best describes each service need of the individual.
- Only one category can be selected per service. Prioritize this decision based on the service/support (*not* by person).
- Once a category has been selected, only compile the points for the selected category for each service.
- When the category points are tallied, transfer category letter and the total points to the top of this page.
- If Emergency or Health and Safety category is chosen the person-centered plan must reflect what safeguard and/or emergency measures have been put in place to address the concerns.

A service can only be prioritized or listed under one category, however, there can be more than one service in any category.

Points	CATEGORY: E Emergency (12 points) See 9 CSR 45-2.017(1)(E)												
	<p><b>12 pts.</b> This service/support is necessary due to the person's emergency situation. An emergency situation is described as one of the following:</p> <ol style="list-style-type: none"><li>1) The consumer is in immediate need of life-sustaining services (food, shelter, protection from harm) and there is no alternative to Division funding or provision of those services.</li><li>2) The consumer needs immediate services to protect another person(s) from imminent physical harm.</li><li>3) The consumer currently resides in a public institution and has been assessed as able to live in a less restrictive arrangement in the community. (Olmstead)</li><li>4) The consumer is aging out of the Lopez Waiver and still requires substantial waiver services. (Does not include consumers that would be more appropriately served in the Physically Disabled Waiver)</li><li>5) The consumer is in the care and custody of DSS Children's Division and there is an inter-divisional agreement.</li><li>6) The consumer is under age 18 and requires coordinated services through several agencies to avoid court action. (System of Care)</li><li>7) The consumer is the focus of a Court order or Imminent Court order.</li></ol>												
	<table><tr><td>Outcome #:</td><td>Service:</td><td>Frequency:</td><td>Cost:</td></tr><tr><td>Outcome #:</td><td>Service:</td><td>Frequency:</td><td>Cost:</td></tr><tr><td>Outcome #:</td><td>Service:</td><td>Frequency:</td><td>Cost:</td></tr></table>	Outcome #:	Service:	Frequency:	Cost:	Outcome #:	Service:	Frequency:	Cost:	Outcome #:	Service:	Frequency:	Cost:
Outcome #:	Service:	Frequency:	Cost:										
Outcome #:	Service:	Frequency:	Cost:										
Outcome #:	Service:	Frequency:	Cost:										

Points	<b>CATEGORY: H Health and Safety (5 to 12 points)</b>
_____	<b>5 pts.</b> The service/support is necessary to ensure the health and safety of the person or others, i.e., not providing the service/support will place the person or others at risk of illness, injury, or harm.
	In order to be categorized as a health and safety need, the degree of risk must be greater than 50% chance without intervention.
_____	Add 1 point (+1 pt.) if degree of risk is imminent—definite and immediate.
_____	Add 2 points (+2 pt.) if person has no permanent residence.
_____	Add points (maximum of 4) based on Physical/Behavioral Support Checklists. (pg. 3)
	Cumulative points for Category Health and Safety. (Not to exceed 12)
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

Points	<b>CATEGORY: F Family Support (4 to 11 points)</b>
_____	<b>4 pts.</b> The service/support is necessary to help the family care for their family member in their home <u>or</u> family support is not available.
_____	Add points (maximum of 4) based on Physical/Behavioral Support Checklists. (pg. 4)
_____	Add points (maximum of 3) for other family circumstances. Mark as many as applicable to get a full picture of the family need, however, can only add 3 points.
_____	+ 3 pts. Death of primary caregiver.
_____	+ 3 pts. Primary caregiver has a terminal diagnosis.
_____	+ 2 pts. Primary caregiver has other chronic health conditions that significantly impact his/her ability to provide needed supports for the person.
_____	+ 2 pts. Primary caregiver over age 75.
_____	+ 1 pt. Primary caregiver over age 65.
_____	+ 1 pt. Single parent family.
_____	+ 1 pt. Recent (within past 6 mos.) divorce or separation.
_____	+ 1 pt. More than one family member eligible for MRDD services.
_____	+ 1 pt. At least 3 children under the age of 10 living in the home.
_____	+ 1 pt. Recent (within past 6 mos.) unplanned loss of employment.
_____	+1 pt. Primary caregiver at risk of job loss to provide care for the person in the home.
	Cumulative points for Category Family Support. (Not to exceed 11)
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

Points	<b>CATEGORY: D Daily Living Supports (4 to 6 points)</b>
_____	<b>4 pts.</b> The service/support is necessary to help the person <b>perform activities of daily living</b> , e.g., communication, mobility, self-care, etc. <b>or</b> to assist an individual with <b>independent living</b> or developing the skills necessary to do so. Examples include personal assistance, supported employment, habilitation training, therapy services (including Applied Behavior Analysis), specialized medical equipment and supplies, and environmental accessibility adaptations.
_____	Add points if the person currently lives independently (i.e., is not receiving residential services, including ISL) and is <b>at risk of moving to a more restrictive setting or of losing a degree of independence</b> without the service/support requested. + 2 pts. Immediate (within 30 days). + 1 pt. Prospective (likely within 1 year).
_____	Cumulative points for Category Daily Living Supports. (Not to exceed 6)
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

Points	<b>CATEGORY: I Inclusion and/or Recreational Supports (In-Home Supports Only)</b>
_____	<b>2 pts.</b> Service/support is necessary to address barriers that might keep the person from <b>fully participating in his/her community and/or recreational activities</b> .
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

There are no other contributors to Category Inclusion and/or Recreational Supports.

Points	<b>CATEGORY: L Long Term Planning: This category is either 2 pts <u>OR</u> 1 pt</b>
_____	<b>2 pts.</b> Person is receiving residential services from an alternative funding source (Children's Division or DMH-CPS). Current residential situation has a time limitation or age restriction and the person has no natural home in which to return <b>or</b> person is receiving residential services from DMH but needs enhanced or alternative services (Rescore service need 6 months prior to time limited funds ending)
_____	<b>OR</b>
_____	<b>1 pt</b> Family has long term planning needs, e.g. knows that they want placement sometime in the future.
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____
_____	Outcome #: _____ Service: _____ Frequency: _____ Cost: _____

There are no other contributors to Category Long Term Planning

Complete both Checklists on this page as they pertain to either Category Health and Safety or Family Support:

- Check every applicable event to create a clear picture of the situation.
- A maximum of 2 points from each section can be allocated to the category, for a total of 4 points, even though more may apply.
- If there is only 1 contributing point in the Behavioral Checklist, but three or more points in the Physical Checklist, you cannot count a total of 4 points. Only 2 points per checklist.
- When the checklist points are tallied, transfer total points to appropriate category.
- Unless otherwise noted, the behavioral or physical need identified must have occurred within the last year.

Points	BEHAVIORAL SUPPORTS CHECKLIST
2pt max.	___ +1 pt. Made threats verbally and/or physically(with reasonable threat of physical harm).
	___ +1 pt. Destroyed property.
	___ +1 pt. Ran away (elopement) or leaves area of safety and supervision.
	___ +1 pt. Abused alcohol and/or substances.
	___ +1 pt. 2 or more medications used to treat mental illness and/or for behavioral control.
	___ +1 pt. Compulsive/Ritualistic behavior that significantly interferes with the person's and family's daily routines.
	___ +2 pts. Harmed himself or herself.
	___ +2 pts. Harmed others (includes animals).
	___ +2 pts. Ingested toxic and/or non-food substances or dangerous food/liquid quantities.
	___ +2 pts. Made a suicide attempt or threat.
	___ +2 pts. Set fires
	___ +2 pts. Been sexually aggressive.
	___ +2 pts. Physical restraint used in last 6 months.
	___ +2 pts. Awake overnight.
Points	PHYSICAL SUPPORTS CHECKLIST
2pt max.	___ +1 pt. Chronic pain.
	___ +1 pt. Significant weight loss or gain (5% of body weight within last 30 days or 10% within last 6 months).
	___ +1 pt. Legally blind requiring assistive measures even in familiar settings.
	___ +1 pt. Legally deaf making interactive communication difficult for caregiver or requiring specialized equipment.
	___ +2 pts. Frequent illnesses that interfere with the person and family's daily routines.
	___ +2 pts. Frequent injuries and/or falls that require medical attention.
	___ +2 pts. Seizures—frequent and uncontrolled and/or that required emergency hospitalization within the last year.
	___ +2 pts. Suctioning, tracheotomy, oxygen therapy, ventilator.
	___ +2 pts. Choking/choking precautions.
	___ +2 pts. Tube feeding and/or spoon feeding by caregiver.
	___ +2 pts. Incontinence; daily catheterization and/or bowel care.
	___ +2 pts. Person requires lifting for transfer that is difficult for caregiver(s).
	___ +2 pts. Orthopedic conditions—scoliosis, hip dysplasia, contractures, etc.
	___ +2 pts. Skin breakdowns.

\_\_\_\_\_ Total points of both categories that can be allocated to chosen category. Not to exceed 4.

**AUTHORITY:** sections 630.050 and 633.110.2, RSMo 2000. Original rule filed March 31, 2006.

**PUBLIC COST:** This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or opposition to this proposed rule by writing to Kay Green, Director of Federal Programs, Division of Mental Retardation and Developmental Disabilities, Department of Mental Health, PO Box 687, Jefferson City, MO 65102. To be considered, comments must be in writing and must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 10—DEPARTMENT OF NATURAL RESOURCES**  
**Division 10—Air Conservation Commission**  
**Chapter 5—Air Quality Standards and Air Pollution**  
**Control Rules Specific to the St. Louis**  
**Metropolitan Area**

**PROPOSED AMENDMENT**

**10 CSR 10-5.300 Control of Emissions From Solvent Metal Cleaning.** The commission proposes to amend original subsection (1)(C) and add new subsection (1)(D), reletter original subsections (2)(E)–(H) and (2)(J), amend and reletter original subsection (2)(I), and add new subsections (2)(E), (2)(I), (2)(J), (2)(K), (2)(M), (2)(N)–(2)(P), delete original subsection (3)(A) and amend and reletter original subsections (3)(B)–(3)(D), and amend original subsections (4)(A)–(4)(D). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan. The evidence supporting the need for this proposed rulemaking is available for viewing at the Missouri Department of Natural Resources' Air Pollution Control Program at the address and phone number listed in the Notice of Public Hearing at the end of this rule. More information concerning this rulemaking can be found at the Missouri Department of Natural Resources' Environmental Regulatory Agenda website, [www.dnr.mo.gov/regis/regagenda.htm](http://www.dnr.mo.gov/regis/regagenda.htm).

**PURPOSE:** This rule specifies equipment, operating procedures, and training requirements for the reduction of volatile organic compound emissions from solvent metal cleaning operations in the St. Louis metropolitan area. This proposed amendment addresses industry concerns about provisions in the current rule related to enforcement and compliance. This amendment clarifies the rule by consolidating exemptions in the applicability section, adding new exemptions (such as hand cleaning/wiping and flush cleaning operations), adding definitions of new and previously undefined terms, and clarifying rule language regarding operating procedure requirements for spray gun cleaners and air-tight and airless cleaning systems. The evidence supporting the need for this proposed rulemaking, per section 536.016, RSMo, are the Boeing Company letter dated February 5, 2002 and the department's Air Pollution Control Program letter dated March 4, 2002.

**(1) Application/bility.**

(C) This rule applies to *[all]* any of the following processes *[which]* that use *[cold cleaners, open-top vapor degreasers or conveyORIZED degreasers, using nonaqueous solvents to clean and remove soils from metal surfaces.]* **nonaqueous solvents to clean and remove soils from metal parts:**

1. Spray gun cleaners;
2. Cold cleaners with a solvent reservoir or tank;
3. Open-top or conveyORIZED vapor degreasers; or
4. Air-tight or airless cleaning systems.

**(D) Exemptions.**

1. The following shall be exempt from this rule:

A. Cold cleaners with liquid surface areas of one (1) square foot or less or maximum capacities of one (1) gallon or less;

B. Solvent cleaning operations that meet the emission control requirements of 10 CSR 10-5.295, 10 CSR 10-5.330, 10 CSR 10-5.340 or 10 CSR 10-5.442;

C. Solvent metal cleaning operations regulated under 40 CFR 63 subpart T, National Emission Standards for Halogenated Solvent Cleaning;

D. The cleaning of electronic components, medical devices or optical devices;

E. Hand cleaning/wiping operations; and

F. Flush cleaning operations.

2. The following shall be exempt from the solvent vapor pressure requirements of subparagraphs (3)(A)1.A. and (3)(A)1.B. of this rule:

A. Sales of cold cleaning solvents in quantities of five (5) gallons or less;

B. Cold cleaners or open-top vapor degreasers using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants; and

C. Janitorial and institutional cleaning.

3. All wastes that are subject to hazardous waste requirements at 10 CSR Division 25, Chapters 4 through 9 shall be exempt from the requirements of subparagraphs (3)(B)1.E., (3)(B)2.J., (3)(B)3.G., (3)(B)4.B. and (3)(B)5.G., and subsection (4)(A) of this rule.

**(2) Definitions.**

**(E) Flush cleaning—**The removal of contaminants such as dirt, grease and coatings from a component or coating equipment by passing solvent over, into or through the item being cleaned. The solvent drained from the item may be assisted by air, compressed gas, hydraulic pressure or by pumping.

**((E))/(F) Freeboard area—**The air space in a batch-load cold cleaner that extends from the liquid surface to the top of the tank.

**((F))/(G) Freeboard height—**

1. The distance from the top of the solvent to the top of the tank for batch-loaded cold cleaners;

2. The distance from the air-vapor interface to the top of the tank for open-top vapor degreasers; or

3. The distance from either the air-solvent or air-vapor interface to the top of the tank for conveyORIZED degreasers.

**((G))/(H) Freeboard ratio—**The freeboard height divided by the smaller of either the inside length or inside width of the degreaser.

**(I) Hand cleaning/wiping operation—**The removal of contaminants such as dirt, grease, oil and coatings from a surface by physically rubbing it with a material such as a rag, paper or cotton swab that has been moistened with a cleaning solvent.

**(J) Institutional cleaning—**Cleaning activities conducted at organizations, societies or corporations including, but not limited to schools, hospitals, sanitariums and prisons.

**(K) Janitorial cleaning—**The cleaning of building or facility components such as the floors, ceilings, walls, windows, doors, stairs, bathrooms, kitchens, etc.

**((H))/(L) Medical device—**An instrument, apparatus, implement, machine, contrivance, implant, *in vitro* reagent or other similar article, including any component or accessory that meets one (1) of the following conditions:

1. It is intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease;



2. It is intended to affect the structure or any function of the body; or

3. It is defined in the *National Formulary* or the *United States Pharmacopoeia*, or any supplement to them.

(M) **Nonaqueous solvent**—Any solvent not classifiable as an aqueous solvent as defined in subsection (2)(C) of this rule.

(N) **Optical device**—An optical element used in an electro-optical device and designed to sense, detect or transmit light energy, including specific wavelengths of light energy and changes in light energy levels.

[(I)](O) **Soils**—Includes, but is not limited to, unwanted grease, wax, grit, ash, dirt[,] and oil[.]. **Spray gun soils**, in addition, include unwanted primers, paint, specialty coatings, adhesives, sealers, resins and deadeners.

(P) **Spray gun cleaner**—Equipment used to clean spray guns used to apply, but not limited to, primers, paints, specialty coatings, adhesives, sealers, resins or deadeners incorporated into a product distributed in commerce.

[(J)](Q) Definitions of certain terms specified in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.

(3) General Provisions.

[(A)] *No person shall cause or allow solvent metal cleaning or degreasing operations—*

1. *Without adhering to operating procedures as contained in this rule and to recommendations by the equipment manufacturer;*

2. *Without the minimum operator and supervisor training as specified in this rule; and*

3. *Unless the equipment conforms to the specifications listed in this rule.]*

[(B)](A) **Equipment Specifications.**

1. Cold cleaners.

[(A. After September 30, 1998—

(I) *No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent with a vapor pressure greater than 2.0 millimeters of Mercury (mmHg) (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless the cold cleaner is used for carburetor cleaning;*

(II) *No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 2.0 mmHg (0.038 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning;*

(III) *No owner or operator shall allow the operation of any cold cleaner using a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and*

(IV) *No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 7.0 mmHg (0.133 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.*

B. *After April 1, 2001—]*

[(I)] A. No [owner or operator] one shall [operate or allow the operation of any cold cleaner using] use, sell or offer for sale for use within the City of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties a cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) unless [the cold cleaner is] used for carburetor cleaning[.];

[(II)] *No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent with a vapor pressure greater than 1.0 mmHg (0.019 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties, unless the cold cleaning solvent is used for carburetor cleaning;]*

[(III)] B. No [owner or operator] one shall [allow the operation of any cold cleaner using] use, sell or offer for sale for use within the City of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties a cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)); and].

[(IV)] *No supplier of cold cleaning solvents shall sell or offer for sale any cold cleaning solvent for the purpose of carburetor cleaning with a vapor pressure greater than 5.0 mmHg (0.095 psi) at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)) for use within the city of St. Louis and St. Charles, St. Louis, Jefferson and Franklin Counties.]*

C. Each cold cleaner shall have a cover which [will] prevents the escape of solvent vapors from the solvent bath while in the closed position or an enclosed reservoir which [will] limits the escape of solvent vapors from the solvent bath whenever parts are not being processed in the cleaner.

[(D. Exemptions.

(I) *Sales of cold cleaning solvents in quantities of five (5) gallons or less shall be exempt from the requirements of parts (3)(B)1.A.(III), (3)(B)1.A.(IV), (3)(B)1.B.(II) and (3)(B)1.B.(IV) of this rule.*

(II) *The cleaning of electronic components shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.*

(III) *Solvent cleaning operations which meet the emission control requirements of 10 CSR 10-5.295, 10 CSR 10-5.330, 10 CSR 10-5.340 or 10 CSR 10-5.442 shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.*

(IV) *Cold cleaners using aqueous solvents shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.*

(V) *Cold cleaners using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.*

(VI) *Any cold cleaner with a liquid surface area of one (1) square foot or less or a maximum capacity of one (1) gallon or less shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.*

(VII) *The cleaning of medical and optical devices shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.*

(VIII) *Air-tight or airless cleaning systems shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule if the following requirements are met:*

(a) *The equipment is operated in accordance with the manufacturer's specifications and operated with a door or other pressure sealing apparatus that is in place during all cleaning and drying cycles;*

(b) *All waste solvents are stored in properly identified and sealed containers, and managed in compliance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 25, as applicable. All associated pressure relief devices shall not allow liquid solvents to drain out;*

(c) *Spills during solvent transfer shall be wiped up immediately and managed in compliance with the Missouri Hazardous Waste Commission rules for reference codified at 10 CSR 25, as applicable, and the used wipe rags shall be stored in closed containers; and*

(d) *A differential pressure gauge shall be installed to indicate the sealed chamber pressure.*

(IX) *Janitorial and institutional cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule.*

(X) *Spray gun cleaning. Each owner or operator of a manufacturing and/or rework operation shall clean spray guns used in the application of (and not limited to) primers, paint, specialty coatings, adhesives, sealers, resins and deadeners utilizing one (1) or more of the following techniques:*

(a) *Enclosed system spray gun cleaning shall consist of forcing solvent through the gun. Spray gun cleaning machines used to clean spray guns with the exception of remote open top spray gun cleaning machines shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns and nozzles only may be cleaned in remote closed top spray gun cleaning machines containing solvent-based materials capable of cleaning, provided the removable clean and spent solvent containers (not to exceed thirty (30) gallons in size) are kept tightly closed or covered at all times except when being accessed or maintained. All remote spray gun cleaning machines shall be operated within the manufacturers specifications. All remote closed top spray gun cleaning machines shall not be operated unless the cover is closed and shall be closed or covered when not in use;*

(b) *Nonatomized cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by placing cleaning solvent in the pressure pot and forcing it through the gun with the atomizing cap in place. No atomizing air is to be used. The cleaning solvent from the spray gun shall be directed into (and not limited to) a pail, bucket, drum, or other waste container that is closed when not in use;*

(c) *Disassembled spray gun cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by disassembling and cleaning the components by hand in a cold cleaner, which shall remain closed at all times except when in use. Alternatively, the components shall be soaked in a cold cleaner, which shall remain closed during the soaking period and when not inserting or removing components;*

(d) *Atomizing cleaning shall be exempt from the requirements of parts (3)(B)1.A.(I) and (3)(B)1.B.(I) of this rule. Spray guns shall be cleaned by forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions; and*

(e) *Cleaning of the nozzle tips of automated spray equipment systems, except for robotic systems that can be programmed to spray into a closed container, shall be exempt from the requirements of part (3)(B)1.D.(X).]*

(E.)D. An owner or operator of a cold cleaner may use an alternate method for reducing cold cleaning emissions if the owner or operator shows the level of emission control is equivalent to or greater than the requirements of [parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III)] subparagraphs (3)(A)1.A. and (3)(A)1.B. of this rule. This alternate method must be approved by the director.

(F.)E. When one (1) or more of the following conditions exist, the cover shall be designed to [of the cover shall be such

that it can be] operate easily [operated with one (1) hand] such that minimal disturbing of the solvent vapors in the tank occurs. (For covers larger than ten (10) square feet, this shall be accomplished by either mechanical assistance such as spring loading or counter weighing or by power systems):

(I) The solvent vapor pressure is greater than 0.3 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)), *such as in mineral spirits*;

(II) The solvent is agitated; or

(III) The solvent is heated.

(G.)F. Each cold cleaner shall have an **internal** drainage facility [which will be internal] so that parts are enclosed under the cover while draining.

(H.)G. If an internal drainage facility cannot fit into the cleaning system and the solvent vapor pressure is less than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)), then the cold cleaner shall have an external drainage facility which provides for the solvent to drain back into the solvent bath.

(I.)H. Solvent sprays, if used, shall be a solid fluid stream (not a fine, atomized or shower-type spray) and at a pressure which does not cause splashing above or beyond the freeboard.

(J.)I. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

(K.)J. Any cold cleaner which uses a solvent that has a solvent vapor pressure greater than 0.6 psi measured at thirty-seven point eight degrees Celsius (37.8°C) (one hundred degrees Fahrenheit (100°F)) or heated above forty-eight point nine degrees Celsius (48.9°C) (one hundred twenty degrees Fahrenheit (120°F)) must use one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) Water cover (solvent must be insoluble in and heavier than water); or

(III) Other control systems with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%). These control systems must receive approval from the director prior to their use.

## 2. Open-top vapor degreasers.

A. Each open-top vapor degreaser shall have a cover [which] that will prevent the escape of solvent vapors from the degreaser while in the closed position and shall be designed to open and close easily [with one (1) hand] such that minimal disturbing of the solvent vapors in the tank occurs. For covers larger than ten (10) square feet, easy cover use shall be accomplished by either mechanical assistance, such as spring loading or counter weighing or by power systems.

B. Each open-top vapor degreaser shall be equipped with a vapor level [safety thermostat with a manual reset which] control device that shuts off the heating source when the vapor level rises above the cooling or condensing coil, or an equivalent safety device approved by the director.

C. Each open-top vapor degreaser with an air/vapor interface over ten and three-fourths (10 3/4) square feet shall be equipped with at least one (1) of the following control devices:

(I) A freeboard ratio of at least 0.75;

(II) A refrigerated chiller;

(III) An enclosed design (the cover or door opens only when the dry part actually is entering or exiting the degreaser);

(IV) A carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of air vapor area when the cover is open and exhausting less than twenty-five parts per million (25 ppm) of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(V) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.



D. A permanent conspicuous label summarizing the operating procedures shall be affixed to the equipment.

*[E. Exemption. Open-top vapor degreasers using solvents regulated under any federal National Emission Standard for Hazardous Air Pollutants shall be exempt from the requirements of parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I) and (3)(B)1.B.(III) of this rule.]*

3. Conveyorized degreasers.

A. Each conveyorized degreaser shall have a drying tunnel or rotating (tumbling) basket or other means demonstrated to have equal to or better control which shall be used to prevent cleaned parts from carrying out solvent liquid or vapor.

B. Each conveyorized degreaser shall have the following safety *[switches or equivalent safety]* devices *[approved by the director]* which operate if the machine malfunctions:

(I) A vapor level *[safety thermostat with manual reset which]* control device that shuts off the heating source when the vapor level rises just above the cooling or condensing coil; and

(II) A spray safety switch, which shuts off the spray pump if the vapor level in the spray chamber drops four inches (4"), for conveyorized degreasers utilizing a spray chamber./.; or

(III) Equivalent safety devices approved by the director.

C. Entrances and exits shall silhouette workloads so that the average clearance between parts and the edge of the degreaser opening is less than four inches (4") or less than ten percent (10%) of the width of the opening.

D. Covers shall be provided for closing off the entrance and exit during hours when the degreaser is not being used.

E. A permanent, conspicuous label summarizing the operating procedures shall be affixed to the equipment.

F. If the air/vapor interface is larger than twenty-one and one-half (21 1/2) square feet, one (1) major control device shall be required. This device shall be one (1) of the following:

(I) A refrigerated chiller;

(II) Carbon adsorption system with ventilation of at least fifty (50) cubic feet per minute per square foot of the total entrance and exit areas (when downtime covers are open) and exhausting less than twenty-five (25) ppm of solvent by volume averaged over one (1) complete adsorption cycle as measured using the reference method specified at 10 CSR 10-6.030(14)(A); or

(III) A control system with a mass balance demonstrated overall VOC emissions reduction efficiency greater than or equal to sixty-five percent (65%) and prior approval by the director.

4. Air-tight or airless cleaning systems. Air-tight or airless cleaning systems shall:

A. Have a permanent conspicuous label affixed to the equipment summarizing the operating procedures;

B. Be equipped with a differential pressure gauge to indicate the sealed chamber pressure under vacuum; and

C. Be equipped with a safety alarm to alert the operator of equipment malfunction.

*[(C)/(B) Operating Procedure/s/ Requirements.]*

1. Cold cleaners.

A. Cold cleaner covers shall be closed whenever parts are not being handled in the cleaners or the solvent must drain into an enclosed reservoir except when performing maintenance or collecting solvent samples.

B. Cleaned parts shall be drained in the freeboard area for at least fifteen (15) seconds or until dripping ceases, whichever is longer. **Parts having cavities or blind holes shall be tipped or rotated while the part is draining. During the draining, tipping or rotating, the parts shall be positioned so that the solvent drains directly back to the cold cleaner.**

C. Whenever a cold cleaner fails to perform within the rule operating *[parameters established for it by this rule]* requirements, the unit shall be shut down immediately and shall remain shut down until *[the operator or trained service personnel are able*

*to restore operation within the established parameters]* operation is restored to meet the rule operating requirements.

D. Solvent leaks shall be repaired immediately or the **[degreaser] cold cleaner** shall be shut down until the leaks are repaired *[by the operator or trained service personnel]*.

E. Any waste material removed from a cold cleaner shall be disposed of by one (1) of the following methods *[and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable]* or an equivalent method approved by the director:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

F. Waste solvent shall be stored in *[covered/]* closed containers only.

2. Open-top vapor degreasers.

A. The cover shall be kept closed at all times except when processing workloads through the **open-top vapor** degreaser, *[except when]* performing maintenance or collecting solvent samples.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage;

(II) Parts shall be moved in and out of the **open-top vapor** degreaser at less than eleven feet (11') per minute;

(III) Workload shall remain in the vapor zone at least thirty (30) seconds or until condensation ceases, **whichever is longer**;

(IV) Pools of solvent shall be removed from cleaned parts before removing parts from the **open-top vapor** degreaser freeboard area; and

(V) Cleaned parts shall be allowed to dry within the **open-top vapor** degreaser freeboard area for at least fifteen (15) seconds or until visually dry, whichever is longer.

C. Porous or absorbent materials such as cloth, leather, wood or rope shall not be degreased.

D. If workloads occupy more than half of the **open-top vapor** degreaser's open-top area, rate of entry and removal shall not exceed five feet (5') per minute.

E. Spray shall never extend above vapor level.

F. Whenever an open-top vapor degreaser fails to perform within the rule operating *[parameters established for it by this rule]* requirements, the unit shall be shut down until *[the operator or trained service personnel are able to restore]* operation *[within the established parameters]* is restored to meet the rule operating requirements.

G. Solvent leaks shall be repaired immediately or the **open-top vapor** degreaser shall be shut down until the leaks are repaired *[by the operator or trained service personnel]*.

H. Ventilation exhaust from the **open-top vapor** degreaser shall not exceed sixty-five (65) cubic feet per minute per square foot of the **open-top vapor** degreaser open area unless proof is submitted that it is necessary to meet Occupational Safety and Health Administration (OSHA) requirements. Fans shall not be used near the **open-top vapor** degreaser opening.

I. Water shall not be visually detectable in solvent exiting the water separator, **except for automatic water separators that by configuration do not allow visual inspection.**

J. Any waste material removed from an open-top vapor degreaser shall be disposed of by one (1) of the following methods or an equivalent *[and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable]* method approved by the director:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

K. Waste solvent shall be stored in closed containers only.

### 3. Conveyorized degreasers.

A. Ventilation exhaust from the conveyorized degreaser shall not exceed sixty-five (65) cubic feet per minute per square foot of conveyorized degreaser opening unless proof is submitted that it is necessary to meet OSHA requirements. Fans shall not be used near the conveyorized degreaser opening.

B. Solvent carry-out shall be minimized in the following ways:

(I) Parts shall be racked, if practical, to allow full drainage; and

(II) Vertical conveyor speed shall be maintained at less than eleven feet (11') per minute.

C. Whenever a conveyorized degreaser fails to perform within the rule operating *[parameters established for it by this rule]* requirements, the unit shall be shut down immediately and shall remain shut down until *[the operator or trained service personnel are able to restore]* operation *[within the established parameters]* is restored to meet the rule operating requirements.

D. Solvent leaks shall be repaired immediately or the conveyorized degreaser shall be shut down until the leaks are repaired *[by the operator or trained service personnel]*.

E. Water shall not be visually detectable in solvent exiting the water separator.

F. Covers shall be placed over entrances and exits immediately after conveyor and exhaust are shut down and removed just before they are started up.

*[G. Waste solvent shall be stored in closed containers only.]*

*[H./G. Any waste material removed from a conveyorized degreaser shall be disposed of by one (1) of the following methods or an equivalent [and in accordance with the Missouri Hazardous Waste Management Commission rules for reference codified at 10 CSR 10-25, as applicable] method approved by the director:*

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

H. Waste solvent shall be stored in closed containers only.

### 4. Spray gun cleaners.

A. Cleaning of spray guns shall be accomplished by use of one (1) or more of the following methods:

(I) Enclosed spray gun cleaning. Enclosed system spray gun cleaning shall consist of forcing solvent through the spray gun and/or spray gun parts. Spray guns and/or spray gun parts shall only be cleaned in remote closed top spray gun cleaning machines under the following conditions:

(a) The spray gun cleaning machine is operated within the manufacturer's specifications and with the lid kept tightly closed at all times except when being accessed or maintained; and

(b) Removable containers (which shall not exceed thirty (30) gallons in size) for clean, used and waste solvent, are kept tightly closed except when being accessed or maintained;

(II) Nonatomized spray gun cleaning. Nonatomized spray gun cleaning shall consist of placing solvent in the pressure pot and forcing it through the spray gun with the atomizing cap in place. Spray guns shall only be cleaned through nonatomized spray gun cleaning under the following conditions:

(a) No atomizing air shall be used; and

(b) The cleaning solvent from the spray gun shall be directed into a pail, bucket, drum or other waste container that is closed when not in use;

(III) Disassembled spray gun cleaning. Disassembled spray gun cleaning shall be accomplished by disassembling the spray gun to be cleaned and cleaning the components by one (1) of the following methods:

(a) By hand in a spray gun cleaner, which shall remain closed except when in use; or

(b) By soaking in a spray gun cleaner, which shall remain closed during the soaking period and when not inserting or removing components; or

(IV) Atomized spray gun cleaning. Atomized spray gun cleaning shall consist of forcing the cleaning solvent through the gun and directing the resulting atomized spray into a waste container that is fitted with a device designed to capture the atomized cleaning solvent emissions. Cleaning of the nozzle tips of an automated spray equipment system is exempt from the requirements of paragraph (3)(B)4. of this rule, unless the system is a robotic system that is programmed to spray into a closed container.

B. Any waste material removed from a spray gun cleaning system shall be disposed of by one (1) of the following methods or an equivalent method approved by the director:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

C. Waste solvent shall be stored in closed containers only.

### 5. Air-tight and airless cleaning systems.

A. Operate the air-tight and airless cleaning systems with a door or other pressure sealing apparatus in place during all cleaning and drying cycles.

B. All associated pressure relief devices shall not allow liquid solvent to drain out of the equipment.

C. Solvent leaks shall be repaired immediately or the air-tight or airless cleaning system shall be shut down until the leaks are repaired.

D. The air-tight and airless cleaning systems shall be operated within the manufacturer's specifications.

E. Parts shall be positioned, if practical, to allow full drainage and pools of solvent shall be removed from cleaned parts before removing parts from the air-tight or airless cleaning system.

F. Wipe up solvent leaks and spills immediately and store the used rags in closed containers.

G. Any waste material removed from an air-tight and airless cleaning system shall be disposed of by one (1) of the following methods or an equivalent method approved by the director:

(I) Reduction of the waste material to less than twenty percent (20%) VOC solvent by distillation and proper disposal of the still bottom waste; or

(II) Stored in closed containers for transfer to—

(a) A contract reclamation service; or

(b) A disposal facility approved by the director.

H. Waste solvent shall be stored in closed containers only.

*[(D)](C) Operator and Supervisor Training.*

1. Only persons trained in at least the operational and equipment requirements specified in this rule for their particular solvent metal cleaning process shall be permitted to operate the equipment.

2. The *[supervisor of]* person who supervises any person who operates *[a]* solvent *[metal]* cleaning *[process]* equipment regulated by this rule shall receive equal or greater operational training than the operator.

3. *[Refresher training]* A **procedural review** shall be given to all solvent metal cleaning equipment operators at least once each twelve (12) months.

4. Training records shall be maintained per subsections (4)(D) and (4)(E) of this rule.

*[5. Operator and supervisor personnel training and record keeping is exempt for spray gun cleaning operations that are regulated by 10 CSR 10-5.295 Control of Emissions From Aerospace Manufacturing and Rework.]*

(4) Reporting and Record Keeping.

(A) The owner or operator of a solvent metal cleaning or degreasing operation shall keep *[monthly]* records of *[solvent types and amounts purchased and solvent consumed. These records shall include]* all types and amounts of solvents containing waste material **from cleaning or degreasing operations** transferred either to a contract reclamation service or to a disposal facility and all amounts distilled on the premises. The records also shall include maintenance and repair logs for both the degreaser and any associated control equipment. The director may require additional record keeping if necessary to adequately demonstrate compliance with this rule.

(B) *[After September 30, 1998, a]* All persons **that use any solvent** subject to the requirements of *[parts (3)(B)1.A.(I), (3)(B)1.A.(III), (3)(B)1.B.(I), (3)(B)1.B.(III)]* **subparagraph (3)(A)1.A. or (3)(A)1.B. of this rule** shall maintain records which include for each purchase of cold cleaning solvent:

1. The name and address of the solvent supplier;
2. The date of purchase;
3. The type of solvent; and
4. The vapor pressure of the solvent in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)).

(C) *[After September 30, 1998, a]* All persons **that sell or offer for sale any solvent** subject to the requirements of *[parts (3)(B)1.A.(II), (3)(B)1.A.(IV), (3)(B)1.B.(II), (3)(B)1.B.(IV)]* **subparagraph (3)(A)1.A. or (3)(A)1.B. of this rule** shall maintain records which include for each sale of cold cleaning solvent:

1. The name and address of the solvent purchaser;
2. The date of sale;
3. The type of solvent;
4. The unit volume of solvent;
5. The total volume of solvent; and
6. The vapor pressure of the solvent measured in mmHg at twenty degrees Celsius (20°C) (sixty-eight degrees Fahrenheit (68°F)).

(D) A record shall be kept of solvent metal cleaning training *[for each employee except per paragraph (3)(D)5]* **required by subsection (3)(C) of this rule.**

**AUTHORITY:** section 643.050, RSMo 2000. Original rule filed Nov. 14, 1978, effective June 11, 1979. Amended: Filed Oct. 4, 1988, effective March 11, 1989. Emergency amendment filed Sept. 2, 1997, effective Jan. 1, 1998, expired June 30, 1998. Amended: Filed Sept. 22, 1997, effective May 30, 1998. Amended: Filed Sept. 13, 2001, effective May 30, 2002. Amended: Filed April 3, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** A public hearing on this proposed amendment will begin at 9:00 a.m., June 29, 2006. The public hearing will be held at the Governor Office Building, Room 450, 200 Madison Street, Jefferson City, MO 65101. Opportunity to be heard at the hearing shall be

afforded any interested person. Written request to be heard should be submitted at least seven (7) days prior to the hearing to Director, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., July 6, 2006. Written comments shall be sent to Chief, Operations Section, Missouri Department of Natural Resources' Air Pollution Control Program, PO Box 176, Jefferson City, MO 65102-0176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 3—Hazardous Waste Management  
System: General**

**PROPOSED AMENDMENT**

**10 CSR 25-3.260 Definitions, Modifications to Incorporations and Confidential Business Information.** The commission is amending section (1).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 260, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**.

(1) The regulations set forth in 40 CFR part 260, July 1, **[2000/2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954]**, are incorporated by reference, subject to the following additions, modifications, substitutions or deletions. This rule does not incorporate any subsequent amendments or additions.

**AUTHORITY:** sections 260.370, RSMo Supp. 2005 and 260.395, RSMo 2000. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary



of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 4—Methods for Identifying Hazardous Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-4.261 Methods for Identifying Hazardous Waste.** The commission is amending section (1).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 261, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 261, July 1, [2000] **2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference**, except for the changes made at 55 FR 50450, December 6, 1990, 56 FR 27332, June 13, 1991, 60 FR 7366, February 7, 1995, and 63 FR 33823, June 19, 1998 [are incorporated by reference]. **This rule does not incorporate any subsequent amendments or additions.** Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** section 260.370, RSMo [2000] *Supp.* **2005.** Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 5—Rules Applicable to Generators of  
Hazardous Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-5.262 Standards Applicable to Generators of Hazardous Waste.** The commission is amending section (1).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 262, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 49 CFR part 172, October 1, 1999, 40 CFR 302.4 and .5, July 1, [2000] **2004**, and 40 CFR part 262, July 1, [2000] **2004** except Subpart H, **as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference.** **This rule does not incorporate any subsequent amendments or additions.** Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** sections 260.370 and 260.380, RSMo [2000] *Supp.* **2005.** This rule was previously filed as 10 CSR 25-5.010. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 6—Rules Applicable to Transporters of  
Hazardous Waste**

**PROPOSED AMENDMENT**

**10 CSR 25-6.263 Standards for Transporters of Hazardous Waste.** The commission is amending section (1) and deleting the forms following the rule in the *Code of State Regulations*.

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 1997. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 1997, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 263, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 263, July 1, [1997/2004; 49 CFR parts 171–180, November 1, 1990, and December 1, 1997; and 49 CFR parts 40, 383, 387, 390–397, October 1, 1990 and October 1, 1997, as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference, except for 49 CFR 390.3(f)(2), which is not incorporated by reference. **This rule does not incorporate any subsequent amendments or additions.** Except as provided other-

wise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule except that the modifications do not apply to the 49 CFR parts incorporated in this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** sections 260.370, *RSMo Supp. 2005* and 260.385 and 260.395, *RSMo 2000*. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.264 Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.** The commission is amending section (1).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 264, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The



*amendment will update the state regulations to be consistent with the most recent edition of the Code of Federal Regulations.*

(1) The regulations set forth in 40 CFR part 264, July 1, [2000/2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. **This rule does not incorporate any subsequent amendments or additions.** Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modification set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control. "Owner/operator," as defined in 10 CSR 25-3.260(2)(O)3., shall be substituted for any reference to "owner and operator" or "owner or operator" in 40 CFR part 264 incorporated in this rule.

**AUTHORITY:** sections 260.370, *RSMo Supp. 2005* and 260.390 and 260.395, *RSMo 2000*. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.265 Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.** The commission is amending section (1).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations (CFR)*. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations.

Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 265, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 265, July 1, [2000/2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. **This rule does not incorporate any subsequent amendments or additions.** Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** sections 260.370, *RSMo Supp. 2005* and 260.390 and 260.395, *RSMo 2000*. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.266 Standards for the Management of Specific Hazardous Wastes and Specific Types of Hazardous Waste Management Facilities.** The commission is amending section (1).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations (CFR)*. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000.

One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000 and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 266, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 266, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** sections 260.370, *RSMo Supp. 2005* and 260.390 and 260.395, *RSMo 2000*. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.268 Land Disposal Restrictions.** The commission is amending section (1).

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal*

*Regulations (CFR)*. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 268, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 268, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** sections 260.370, *RSMo Supp. 2005* and 260.390, 260.395 and 260.400, *RSMo 2000*. Original rule filed Feb. 16, 1990, effective Dec. 31, 1990. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 7—Rules Applicable to Owners/Operators of  
Hazardous Waste Facilities**

**PROPOSED AMENDMENT**

**10 CSR 25-7.270 Missouri Administered Permit Programs: The Hazardous Waste Permit Program.** The commission is amending



section (1) and deleting the forms following the rule in the *Code of State Regulations*.

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 270, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR part 270, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** sections 260.370, *RSMo Supp. 2005* and 260.390 and 260.395, *RSMo 2000*. Original rule filed Dec. 16, 1985, effective Oct. 1, 1986. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 11—Used Oil**

**PROPOSED AMENDMENT**

**10 CSR 25-11.279 Recycled Used Oil Management Standards.** The commission is amending section (1) and deleting the forms following this rule in the *Code of State Regulations*.

**PURPOSE:** This rule needs to be periodically updated to incorporate by reference the most current edition of the *Code of Federal Regulations* (CFR). Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 279, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the *Code of Federal Regulations*.

(1) The regulations set forth in 40 CFR parts 110.1, 112 and 279, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

**AUTHORITY:** section 260.370, *RSMo [2000] Supp. 2005*. Original rule filed Jan. 5, 1994, effective Aug. 28, 1994. For intervening history, please consult the *Code of State Regulations*. Amended: Filed March 31, 2006.

**PUBLIC COST:** This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

**PRIVATE COST:** This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006, at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

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**Title 10—DEPARTMENT OF NATURAL RESOURCES  
Division 25—Hazardous Waste Management Commission  
Chapter 16—Universal Waste**

**PROPOSED AMENDMENT**



**10 CSR 25-16.273 Standards for Universal Waste Management.**  
The commission is amending section (1).

*PURPOSE:* This rule needs to be periodically updated to incorporate by reference the most current edition of the **Code of Federal Regulations (CFR)**. Currently, the regulations incorporate by reference the 2000 CFR, which includes changes through July 1, 2000. One of the requirements to maintain the ability of the Missouri Department of Natural Resources to implement the Resource Conservation and Recovery Act in Missouri in lieu of Environmental Protection Agency (EPA) is that the state regulations must regularly be updated to include recent changes to the federal regulations. Updating the regulations to incorporate the 2004 CFR will ensure that the state regulations are current through the most recent edition of the CFR. This amendment would add to the state regulations changes made to the corresponding parts of the federal regulations between July 1, 2000, and July 1, 2004. Department staff have reviewed the changes made to 40 CFR part 273, the corresponding part of the CFR, during this time period and recommend that this rule be amended to incorporate by reference these changes. The amendment will update the state regulations to be consistent with the most recent edition of the **Code of Federal Regulations**.

(1) The regulations set forth in 40 CFR part 273, July 1, [2000] 2004 as published by the Office of the Federal Register, National Archives and Records Administration, Superintendent of Documents, Pittsburgh, PA 15250-7954, are incorporated by reference. This rule does not incorporate any subsequent amendments or additions. Except as provided otherwise in this rule, the substitution of terms set forth in 10 CSR 25-3.260(1)(A) shall apply in this rule in addition to any other modifications set forth in section (2) of this rule. Where conflicting rules exist in 10 CSR 25, the more stringent shall control.

*AUTHORITY:* section 260.370, RSMo [2000] Supp. 2005. Original rule filed June 1, 1998, effective Jan. 30, 1999. Amended: Filed Feb. 1, 2001, effective Oct. 30, 2001. Amended: Filed March 31, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** The Missouri Hazardous Waste Management Commission will hold a public hearing on this rule action and others beginning at 9:00 a.m. on June 15, 2006 at the Elm Street Conference Center, 1738 East Elm Street, Jefferson City, Missouri. Any person wishing to speak at the hearing shall send a written request to the Secretary of the Hazardous Waste Management Commission at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written requests to speak must be postmarked by midnight on June 8, 2006. Faxed or e-mailed correspondence will not be accepted.

Any person may submit written comments on this rule action. Written comments shall be sent to the Director of the Hazardous Waste Program at PO Box 176, Jefferson City, MO 65102-0176. To be accepted, written comments must be postmarked by midnight on June 29, 2006. Faxed or e-mailed correspondence will not be accepted.

Please direct all inquiries to the Rules Coordinator of the Hazardous Waste Program, at 1738 E. Elm, Jefferson City, MO 65102, telephone (573) 751-3176.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 3—Records**

**PROPOSED AMENDMENT**

**11 CSR 45-3.010 Commission Records.** The commission is deleting section (4) and renumbering the remaining sections.

*PURPOSE:* The commission proposes to amend this rule by deleting section (4), the requirements of which are being incorporated into 11 CSR 45-10.020.

[(4)] All licensees shall provide the commission a monthly update of the information required in section 313.847, RSMo on forms provided by the commission. All licensees shall have a duty to inform the commission of any material change of facts happening after the filing of an application.]

[(5)] (4) Pursuant to section 313.847, RSMo, the commission shall not disclose to the public the following records:

(A) Any information that cannot be disclosed pursuant to any intergovernmental agreement;

(B) Portions of the application including, but not limited to: exhibits attached to the application such as personal financial records of an applicant, income tax returns, bank records, plans for internal security and surveillance, copies of the proposed internal control procedures, Personal Disclosure Form I and Personal Disclosure Form II;

(C) The background investigations conducted by the commission or information obtained from any intergovernmental agency concerning any applicant for licensure;

(D) Internal controls and plans for surveillance of a licensee; and

(E) Investigations on any licensee.

[(6)] (5) Except as otherwise required under section 313.847.1, RSMo, all investigatory, proprietary or application records, information and summaries in the possession of the commission or its agents may be treated by the commission as closed records not to be disclosed to the public.

[(7)] (6) The commission may charge a fee for copying public records, which fee shall not exceed the actual cost of document search and duplication. The commission shall provide a list of fees charged for copying public records upon request.

[(8)] (7) Payment of any copying fees and search fees may be required before any information will be provided.

[(9)] (8) All fees are nonrefundable.

*AUTHORITY:* sections 313.004, 313.805 and 313.847, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the **Code of State Regulations**. Amended: Filed March 21, 2006.

*PUBLIC COST:* This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

*PRIVATE COST:* This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. A public hearing is scheduled for 10 a.m. on June 15, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 4—Licenses**

**PROPOSED AMENDMENT**

**11 CSR 45-4.260 Occupational Licenses.** The commission is deleting section (5) and renumbering section (6).

*PURPOSE: The commission proposes to amend this rule by deleting section (5), the requirements of which are being incorporated into 11 CSR 45-10.020.*

*[(5)] (5) The applicant shall be responsible to keep its pending application current at all times. The applicant shall notify the commission in writing within ten (10) days of any changes to any response in the application and this obligation shall continue throughout any period of licensure granted by the commission.]*

*[[6]] (5) Within the five (5)-year period immediately preceding application for an occupational license or while holding an occupational license, a conviction, plea of guilty or *nolo contendere*, or the entering of an Alford plea in any jurisdiction for the following types of misdemeanor or municipal offenses, including such findings or pleas in a suspended imposition of sentence, shall make the applicant or licensee unsuitable to hold an occupational license: 1) any gambling-related offense; or 2) any offense an essential element of which is theft, fraud, or dishonesty. Applicants or licensees may be unsuitable to hold an occupational license for convictions, pleas of guilty or *nolo contendere*, or the entering of an Alford plea for other types of misdemeanor or municipal offenses within such five (5)-year period, including such findings or pleas in a suspended imposition of sentence.*

*AUTHORITY: sections 313.004 and 313.805, RSMo 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed March 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m. on June 15, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 8—Accounting Records and Procedures; Audits**

**PROPOSED AMENDMENT**

**11 CSR 45-8.060 Audits.** The commission is deleting section (6), amending section (11) and renumbering the remaining sections.

*PURPOSE: The commission proposes to amend this rule by deleting the requirement that licensees submit reports to the commission that have been filed with securities regulatory agencies.*

*[(6)] If the licensee is publicly held, the licensee shall submit to the commission one (1) copy of any report, including Forms S-1, 8-K, 10-Q and 10-K, required to be filed by the licensee or affiliates with the Securities and Exchange Commission or other domestic or foreign securities regulatory agency, at the time of filing with that commission or agency.]*

*[(7)] (6) Delays in mailing, mail pickups and postmarkings are the licensee's responsibility.*

*[(8)] (7) The commission may request additional information and documents from either the licensee or the licensee's C.P.A., through the licensee, regarding the financial statements or the services performed by the accountant. Failure to submit the requested information or documents is an unsuitable method of operation.*

*[(9)] (8) All of the audits and reports required by this rule, and any special audits of a licensee required by the commission or its director, shall be prepared at the sole expense of the licensee.*

*[[10]] (9) Any audits conducted in accordance with this rule, shall be conducted by independent C.P.A.s registered or licensed in Missouri under Chapter 326, RSMo, and selected by the commission. The commission shall consider the following:*

*(A) Prior experience of the firm in auditing gaming entities of similar size;*

*(B) Availability of sufficient numbers of qualified personnel;*

*(C) Submission of the firm to a peer review, and successful results; and*

*(D) Other factors as determined by the commission.*

*[[11]] (10) The term independent as used in section [[10]] (9) of this rule is consistent with that set forth in 4 CSR 10-3.020, and definitions set forth by the American Institute of Certified Public Accountants or the rules of the Securities and Exchange Commission, or both, to the extent applicable.*

*AUTHORITY: sections 313.004, 313.805 and 313.825, RSMo [1994] 2000. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. For intervening history, please consult the Code of State Regulations. Amended: Filed March 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m. on June 15, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 11—DEPARTMENT OF PUBLIC SAFETY  
Division 45—Missouri Gaming Commission  
Chapter 10—Licensee's Responsibilities**

**PROPOSED AMENDMENT**

**11 CSR 45-10.020 Licensee and Applicant's Duty to Disclose Changes in Information.** The commission is amending the title,

section (1) by dividing section (1) into sections (1) and (3), and adding new sections (2) and (4).

*PURPOSE: The commission proposes to amend this rule by allowing certain licensees thirty (30) days to report material changes in information and clarifying the definition of material changes.*

(1) **All licensees and /A/applicants for Class A, supplier or Level I and key person occupational licenses issued by the commission shall have a continuing duty to disclose in writing, within /ten (10) business/ thirty (30) calendar days, any material change/s/ in the information provided in the application forms and requested materials submitted to the commission. Any change in information that is not material must be disclosed to the commission during the licensee's next subsequent application for license renewal.**

(2) **All Level II occupational licensees and applicants shall have a continuing duty to disclose in writing, within ten (10) calendar days, any material change in the information provided in the application forms and requested materials submitted to the commission.**

(3) The duty to disclose changes in information shall continue throughout any **application period or period of licensure** granted by the commission. This duty shall be in addition to any other reporting requirements.

(4) **For the purposes of this rule, "material change" shall mean any change in personal identification or residence information, such as name, address, and phone number; information required in section 313.847, RSMo; or other information that might affect an applicant or licensee's suitability to hold a gaming license, including, but not limited to, arrests, convictions, and guilty pleas, disciplinary actions or license denials in other jurisdiction(s), significant changes in financial condition, or relationships or associations with persons having criminal records or notorious reputations.**

*AUTHORITY: sections 313.004, 313.805, and 313.807, RSMo 2000 and 313.800, RSMo Supp. 2005. Emergency rule filed Sept. 1, 1993, effective Sept. 20, 1993, expired Jan. 17, 1994. Emergency rule filed Jan. 5, 1994, effective Jan. 18, 1994, expired on Jan. 30, 1994. Original rule filed Sept. 1, 1993, effective Jan. 31, 1994. Amended: Filed April 28, 2004, effective Dec. 30, 2004. Amended: Filed March 21, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

**NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS:** *Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, PO Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. A public hearing is scheduled for 10 a.m. on June 15, 2006, in the Missouri Gaming Commission's Hearing Room, 3417 Knipp Drive, Jefferson City, Missouri.*

**Title 12—DEPARTMENT OF REVENUE  
Division 10—Director of Revenue  
Chapter 200—Corporate Income Tax**

**PROPOSED RULE**

**12 CSR 10-200.010 State Tax Add Back**

*PURPOSE: Section 143.431.2, RSMo, requires the add back of other states' income tax in determining Missouri taxable income. This rule explains which states' taxes are required to be added back.*

(1) In general, in determining its Missouri taxable income, a corporation is required to add to its federal taxable income any state income tax.

(2) Definition of Terms.

(A) Income tax—any tax, regardless of the label used in the other state, imposed solely on the net income from past business conducted in the state.

(B) State—Missouri, any other state of the United States or any political subdivision thereof, or the District of Columbia.

(3) Basic Application.

(A) A corporation in determining its Missouri taxable income must add back the income tax that was deducted in determining its federal taxable income/loss for the taxable year even if line 1 on the Missouri return is zero or negative.

(B) The state taxes that are to be added back:

1. Alabama;
2. Alaska;
3. Arizona;
4. Arkansas;
5. California (income tax and franchise tax);
6. Colorado;
7. Delaware;
8. Florida;
9. Georgia (excludes net worth tax);
10. Hawaii;
11. Idaho;
12. Illinois (includes replacement tax);
13. Indiana;
14. Iowa;
15. Kansas;
16. Kentucky;
17. Louisiana;
18. Maine;
19. Maryland;
20. Mississippi;
21. Missouri;
22. Nebraska;
23. New Mexico;
24. North Carolina;
25. North Dakota;
26. Oklahoma;
27. Pennsylvania;
28. Rhode Island;
29. South Carolina (excludes capital stock tax);
30. South Dakota;
31. Tennessee (excise tax);
32. Vermont;
33. Virginia;
34. West Virginia;
35. District of Columbia (franchise tax); and
36. Other city income taxes outside Missouri.

(4) Examples.

(A) A corporation does business in Missouri. On its federal income tax return it deducted the:

- a) Tennessee excise tax;
- b) Cleveland, Ohio city tax;
- c) Ohio franchise tax;
- d) New York city tax;
- e) Michigan single business tax;



- f) Missouri corporate income tax;
- g) Missouri corporation franchise tax; and
- h) St. Louis City earnings tax.

On its Missouri corporate income tax return the corporation must add back the:

- a) Tennessee excise tax;
- b) Cleveland, Ohio city tax;
- c) Missouri corporate income tax; and
- d) New York city tax.

The corporation does not add back the Ohio franchise tax because it is an annual tax imposed on corporations in Ohio and it is not based solely on income. The corporation does not add back the Michigan single business tax because it is not an income tax based solely on net income. The corporation does not add back the Missouri corporation franchise tax because it is not based upon net income. The corporation does not add back the St. Louis City earnings tax because section 143.141.2, RSMo, specifically excludes adding back such Missouri municipality tax.

(B) A corporation does business in Missouri. On its federal income tax return it deducted the Tennessee excise tax and the Cleveland, Ohio city tax. The corporation has a net operating loss on line 30 of its federal income tax return for the taxable year. On its Missouri corporate income tax return the corporation must add back the Tennessee excise tax and the Cleveland, Ohio city tax.

(C) A corporation does business in Missouri and incurs a net operating loss for the current year. The corporation carries the net operating loss back for federal income tax purposes. On its amended prior year federal income tax return there were no changes to the original return deductions. On its amended prior year Missouri return the corporation may not change its original income tax add back.

*AUTHORITY: sections 143.961, RSMo 2000 and 143.431, RSMo Supp. 2005. Original rule filed March 16, 2006.*

*PUBLIC COST: This proposed rule will cost the Missouri Department of Revenue between five thousand six hundred one dollars (\$5,601) and eleven thousand two hundred two dollars (\$11,202), with that cost recurring annually over the life of the rule.*

*PRIVATE COST: This proposed rule will cost private entities between sixty-seven thousand dollars (\$67,000) and three hundred thirty-five thousand dollars (\$335,000), with that cost recurring annually over the life of the rule.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Revenue, Legal Services Division, Governmental Affairs Bureau, PO Box 475, Jefferson City, MO 65105-0475. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE  
PUBLIC COST**

**I. RULE NUMBER**

<b>Rule Number and Name:</b>	12 CSR 10-200.010 State Tax Add Back
<b>Type of Rulemaking:</b>	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

<b>Affected Agency or Political Subdivision</b>	<b>Estimated Cost of Compliance in the Aggregate</b>
Missouri Department of Revenue	\$5,601 - \$11,202

**III. WORKSHEET**

It costs the Department of Revenue an average of \$8.36 to process a corporate income tax return. Approximately, 1%-2% of the employee's time is spent verifying this portion of the return. The cost to process this portion of the return is between \$5,601 ( $67,000 \times \$8.36 \times .01$ ) and \$11,202 ( $67,000 \times \$8.36 \times .02$ ).

**IV. ASSUMPTIONS**

The department cannot determine the actual costs of preparing and filing a corporate income tax return. The department assumes for purposes of this fiscal note that it costs \$8.36 per return and that the state tax add back portion of the return only takes approximately 1% to 2% of the total time to process. This cost would be incurred as a result of section 143.431.2, RSMo, regardless of the contents of this rule.



## FISCAL NOTE PRIVATE COST

### I. RULE NUMBER

Rule Number and Name:	12 CSR 10-200.010 State Tax Add Back
Type of Rulemaking:	Proposed Rule

### II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by adoption of the proposed rule	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Any C – corporation filing a Missouri corporation income tax return.	Approximately 67,000 C – corporations file a Missouri corporation income tax return each year.	\$67,000 - \$335,000

### III. WORKSHEET

The Department of Revenue receives approximately 67,000 C-corporation income tax returns per year. The average estimated cost to prepare and file a return per corporation is \$100 per filed return. Approximately 1%-5% of the preparer's time is spent on this portion of the return. The cost to all corporations to comply is between \$67,000 (67,000 x \$100 x .01) and \$335,000 (67,000 x \$100 x .05).

### IV. ASSUMPTIONS

This rule does not change existing practice. The department cannot determine the actual costs of preparing and filing a return. The department assumes for purposes of this fiscal note that it costs \$100 per return and that the state tax add back portion of the return only takes approximately 1% to 5% of the total time to complete the return. This cost would be incurred as a result of section 143.431.2, RSMo, regardless of the contents of this rule.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 40—Family Support Division  
Chapter 110—Fees**

**PROPOSED RULE**

**13 CSR 40-110.030 Annual Fee for Successful Support Collections**

*PURPOSE: This rule defines how the Family Support Division will collect an annual fee from support payments collected on behalf of custodians in IV-D, never-assistance cases.*

(1) Definitions. For the purposes of this rule, the following definitions are applicable:

(A) IV-D means part IV-D of the Social Security Act;

(B) IV-D, never-assistance case means a case in which the custodian is receiving services pursuant to section 454.400, RSMo, but has never received Aid to Families with Dependent Children or Temporary Assistance for Needy Families benefits on behalf of the child(ren) associated with the case;

(C) Case means an official record comprised of a custodian and dependent child(ren), associated with a particular obligor;

(D) Custodian means an individual to whom a duty of support is owed;

(E) Division means the Family Support Division;

(F) Obligor means an individual owing a duty of support;

(G) Support means any financial support collected for the support or maintenance of a child or the custodian of a child or a spouse or ex-spouse.

(2) Annual Fee for Successful Support Collections. Effective January 1, 2007, the division shall collect an annual fee of twenty-five dollars (\$25) each calendar year from the custodian in a IV-D, never-assistance case in which at least five hundred dollars (\$500) of support has been collected.

(A) If the custodian has more than one (1) IV-D, never-assistance case, the division shall assess the fee on each case in which at least five hundred dollars (\$500) of support has been collected in the calendar year.

(B) The division shall deduct the fee from support collected in excess of the first five hundred dollars (\$500) received for the custodian in the calendar year until the twenty-five dollar (\$25) fee is satisfied.

(C) The obligor shall receive credit toward his or her obligation for the amount deducted for the fee.

(D) The division shall not assess a fee in cases excluded by federal law or regulation.

*AUTHORITY: section 454.400.2(5), RSMo 2000. Original rule filed March 30, 2006.*

*PUBLIC COST: This proposed rule is estimated to cost state agencies or political subdivisions eighty-three thousand seven hundred forty-seven dollars (\$83,747) in the aggregate.*

*PRIVATE COST: This proposed rule is estimated to cost private entities \$2,233,125 per year.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Social Services, Family Support Division, Janel R. Luck, Interim Director, 615 Howerton Court, PO Box 2320, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**FISCAL NOTE****PUBLIC COST****I. RULE NUMBER**

Rule Number and Name:	13 CSR 40-110.030 Annual Fee for Successful Support Collections
Type of Rulemaking:	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate		
	Fiscal Year 2006	Fiscal Year 2007	Fiscal Year 2008
Family Support Division			
Notices mailed to eligible entities	\$47,747	N/A	N/A
Required changes to Missouri Automated Child Support System to meet business needs	\$36,000	N/A	N/A
Total	\$83,747	N/A	N/A

**III. WORKSHEET**

Number of Notices	Postage Cost Per Notice	Total Mailing Cost
128,699	\$0.371	\$47,747
Number of Hours	Hourly Rate	Total Systems Cost
480	\$75	\$36,000

**IV. ASSUMPTIONS**

1. The fees for successful collections are collected at the case level.
2. Based on case data as of 6/30/2005, there are an estimated 128,699 cases that are or will become eligible for the fee.
3. Postage costs associated with mailing advance notices to eligible entities of the agency's intent to charge the fee is \$0.371 per notice for pre-sorted mail.
4. After implementation of the fee, notice to affected entities will be incorporated into existing agency forms/notices at no additional cost.

**FISCAL NOTE**

**PRIVATE COST**

**I. RULE NUMBER**

Rule Number and Name:	13 CSR 40-110.030 Annual Fee for Successful Support Collections
Type of Rulemaking:	Proposed Rule

**II. SUMMARY OF FISCAL IMPACT**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
89,325	Custodians	\$2,233,125

**III. WORKSHEET**

Projected eligible cases per year	Fee per eligible case	Projected annual fee collections
89,325	\$25	\$2,233,125

**IV. ASSUMPTIONS**

1. Fees for successful collections are collected at the case level.
2. Estimate in the aggregate is presented as the annual total for all affected custodians. The life of the rule is without end.



**Title 15—ELECTED OFFICIALS**  
**Division 30—Secretary of State**  
**Chapter 54—Exemptions and Federal Covered Securities**

**PROPOSED AMENDMENT**

**15 CSR 30-54.070 Not-for-Profit Securities.** The commissioner is amending subsection (2)(B) and section (6).

*PURPOSE: In reviewing requests for exemptions pursuant to section 409.2-201(7)(B) of the Missouri Securities Act of 2003, the Securities Division applies Guidelines for General Obligations Financing by Religious Denominations as promulgated by the North American Securities Administrators Association, Inc (NASAA). This amendment updates that policy to the most recent version promulgated by NASAA.*

(2) The following statements of policy are hereby incorporated by reference:

(B) *[Guidelines for General Obligations Financing by Religious Denominations as adopted by NASAA on April 17, 1994] Church Extension Funds as amended by NASAA on April 18, 2004.*

(6) Filing Fee. Each request for exemption under section 409.2-201(7)(B), RSMo shall include a filing fee of one hundred dollars (\$100) as specified in Missouri regulation 15 CSR 30-50.030.

*AUTHORITY: sections 409.2-201(7)(B) and 409.6-605, RSMo Supp. [2003] 2005. Original rule filed June 25, 1968, effective Aug. 1, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed March 27, 2006.*

*PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

*PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support or in opposition to this proposed amendment with the Missouri Secretary of State's Office, Matt Kitzi, Commissioner of Securities, 600 West Main Street, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

**T**his section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

**T**he agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

**Title 8—DEPARTMENT OF LABOR AND  
INDUSTRIAL RELATIONS  
Division 50—Division of Workers' Compensation  
Chapter 2—Procedure**

**ORDER OF RULEMAKING**

By the authority vested in the Division of Workers' Compensation under section 287.650, RSMo 2000, the division amends a rule as follows:

**8 CSR 50-2.020 Administration is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 3, 2006 (31 MoReg 23-25). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The division received comments from William C. Love, attorney at law, with Hyde, Love & Overby, LLP.

**COMMENT:** Mr. Love's comment is directed to the computer-generated forms and the division's approved forms. Mr. Love states that the settlement stipulation form should be flexible to enable parties to include additional provisions that are required because of the Medicare Set-Aside Accounts, Social Security language, future medical issues that are often included in the settlement documents.

**RESPONSE:** The division's "Stipulation for Compromise Settlement" form is a recommended format developed for the parties to use to compromise and settle disputed issues in a workers' com-

pensation case. The division is unable to include in the stipulation form itself, paragraphs relating to the applicability of Social Security language or Medicare Set-Aside, etc., as each case is fact specific and the parties are in the best position to evaluate the applicability of other laws at the time of settling a workers' compensation case. Number 9 of the stipulation form contains a space for Additional Comments. The division believes that the form as drafted permits the parties to indicate in #9 that there are additional issues such as Social Security language, future medical care or Medicare Set-Aside Accounts, etc., that are set forth in additional pages attached to the stipulation. The stipulation form is currently a one (1)-page document and the division believes that the form is designed to be readily usable and understood by all stakeholders including *pro se* employees. Including paragraphs about Social Security language and Medicare Set-Aside, etc., would require the division's administrative law judge or other staff to explain the applicability or non-applicability of other laws with respect to each particular case that could also potentially be construed as offering legal advice to the parties. In addition, the stipulation form is printed on a four (4)-Part NCR carbonless paper that provides the user with an original and three (3) copies. The division believes there would be additional costs associated with making the stipulation a two (2)-page form that includes language on other applicable laws that may not apply to each case. The division has considered this public comment and has decided to proceed with the implementation of the rule as drafted as the comment does not apply to the text or content of the proposed amendment itself.

**COMMENT:** Mr. Love indicates that the Answer to the Claim for Compensation should include sufficient space to use ten (10)-point type in providing defenses to the Claim for Compensation. Mr. Love states that form should not take precedence over the substance required by the workers' compensation law.

**RESPONSE:** The division agrees and will make the ten (10)-point type available in the Answer to the Claim for Compensation-WC-22. The division believes that this public comment does not apply to the text or content of the proposed amendment itself and has decided to proceed with the implementation of the rule as drafted.

**Title 13—DEPARTMENT OF SOCIAL SERVICES  
Division 70—Division of Medical Services  
Chapter 3—Conditions of Provider Participation,  
Reimbursement and Procedure of General Applicability**

**ORDER OF RULEMAKING**

By the authority vested in the director of the Division of Medical Services under sections 208.153, 208.159, 208.164, 208.201 and 210.924, RSMo 2000, the division amends a rule as follows:

**13 CSR 70-3.020 is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2005 (30 MoReg 2498). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The division received one (1) comment on the proposed amendment.

**COMMENT:** The Missouri Health Care Association commented that the change to (3)(H) acted as a limitation on the discretion of the division to "deny or limit an applying provider's enrollment and participation in the Missouri Title XIX Medicaid Program. . . ."

**RESPONSE AND EXPLANATION OF CHANGE:** It is not the

intention of the division to limit its discretion to deny or limit applying provider's enrollment and participation in the Missouri Title XIX Medicaid Program. The division's intent is to address conduct that may not be related to the applying provider's business or profession but would be considered potentially harmful or dangerous to the mental or physical health of a patient. The wording of subsection (3)(H) has been changed to clarify the division's intent.

**COMMENT:** The Missouri Health Care Association observed that statutory authority was not cited by the division for the three (3) new subsections that give the department the discretion to deny provider enrollment relating to convictions, guilty pleas, suspended impositions of sentence, or suspended execution of sentence or probation or parole relating to endangering the welfare of a child, abusing or neglecting a resident, patient or client, misappropriating funds or property belonging to a resident, patient or client or falsifying documentation verifying delivery of services to a personal care assistance services consumer or for placement on the employee disqualification list maintained by the Department of Health and Senior Services or placement on the sexual offender list. There was also a comment that it is not clear whether under subsection (3)(H) placement on the Family Care Safety Registry would constitute a "disqualification" of a "registration."

**RESPONSE AND EXPLANATION OF CHANGE:** Each subsection of section (3) is considered by the division to be a separate reason, any one of which may be cited by the department as a reason to deny or limit an applying provider's enrollment and participation in the Missouri Title XIX Medicaid Program. The titles in subsection (O) and subsection (P) have been amended to cite the name of the registry as it is used in Missouri statute. The Authority section has been amended.

### **13 CSR 70-3.020 Title XIX Provider Enrollment**

(3) The single state agency, at its discretion, may deny or limit an applying provider's enrollment and participation in the Missouri Title XIX Medicaid Program for any one (1) of the following reasons:

(H) Any termination, removal, suspension, revocation, denial or consented surrender or other involuntary disqualification of any license, permit, certificate or registration related to the applying provider's business or profession in Missouri or any other state of the United States. Any such license, permit, certificate or registration which has been denied or lost by the provider for reasons not related to matters of professional competence in the practice of the applying provider's profession, upon proof of reinstatement, shall not be considered by the agency in its decision to enroll the applying providers unless the conduct is harmful or dangerous to the mental or physical health of a patient;

(O) Placement on the "Family Care Safety Registry" as mandated by sections 210.900-210.936, RSMo; or

(P) Placement on the "Missouri Sex Offender Registry" as mandated by sections 589.400-589.425 and 43.650, RSMo.

**AUTHORITY:** sections 208.153, 208.159, 208.164, 208.201 and 210.924, RSMo 2000. This rule was previously filed as 13 CSR 40-81.165. Original rule filed June 14, 1982, effective Sept. 11, 1982. Amended: Filed July 30, 2002, effective Feb. 28, 2003. Amended: Filed April 29, 2005, effective Oct. 30, 2005. Amended: Filed Nov. 1, 2005.

## **Title 20—DEPARTMENT OF INSURANCE Division 200—Financial Examination Chapter 1—Financial Solvency and Accounting Standards**

### **ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance under section 374.045, RSMo 2000, the director amends a rule as follows:

### **20 CSR 200-1.030 Financial Statement and Electronic Filing is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on January 17, 2006 (31 MoReg 116-120). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** No comments were received.

## **Title 20—DEPARTMENT OF INSURANCE Division 200—Financial Examination Chapter 1—Financial Solvency and Accounting Standards**

### **ORDER OF RULEMAKING**

By the authority vested in the director of the Missouri Department of Insurance under section 374.045, RSMo 2000, the director adopts a rule as follows:

### **20 CSR 200-1.170 Derivatives for Replication Transactions is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on January 17, 2006 (31 MoReg 121). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

**SUMMARY OF COMMENTS:** The department received two (2) comments in support of the proposed rule.

**T**his section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

## **Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT**

### **Division 100—Division of Credit Unions**

#### **ACTIONS TAKEN ON APPLICATIONS FOR NEW GROUPS OR GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the director has either granted or rejected applications from the following credit unions to add new groups or geographic areas to their membership and state the reasons for taking these actions.

The following applications have been granted. These credit unions have met the criteria applied to determine if additional groups may be included in the membership of an existing credit union and have the immediate ability to serve the proposed new groups or geographic areas. The proposed new groups or geographic areas meet the requirements established pursuant to 370.080(2), RSMo 2000.

<b>Credit Union</b>	<b>Proposed New Group or Geographic Area</b>
Anheuser-Busch Employees' Credit Union 1001 Lynch Street St. Louis, MO 63118	Those who live or work in the City of St. Louis, Missouri

### **MISSOURI DIVISION OF CREDIT UNIONS**

#### **APPLICATION TO EXPAND THE FIELD OF MEMBERSHIP OF ANHEUSER BUSCH EMPLOYEES' CREDIT UNION**

##### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The application to expand the field of membership was received by the director, Division of Credit Unions on January 17, 2006.
2. The application was submitted in the required format and on January 24, 2006 was deemed to be complete.
3. Anheuser-Busch Employees' Credit Union applied to expand their field of membership to include all who live or work in, or entities in the City of St. Louis with their immediate household and family members. According to the 2000 United States census, the total population in the City of St. Louis is 348,189.
4. The City of St. Louis meets the definition of a low-income community as defined by the Credit Union Commission and an underserved community as defined and documented by the National Credit Union Administration.
5. After review of Anheuser-Busch Employees' Credit Union's most recent Supervisory Examination report and their December 31, 2005 call report, the director is satisfied that this credit union is operating in a safe and sound manner and there are no adverse conditions or

regulatory concerns. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(A)).

6. Anheuser-Busch Employees' Credit Union's net worth as reported on the December 31, 2005 call report is 11.11%. The director finds that Anheuser-Busch Employees' Credit Union is adequately capitalized. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(B)).

7. After review of Anheuser-Busch Employees' Credit Union's business plan submitted as part of the field of membership application, their December 31, 2005 call report, and their most recent Supervisory Examination Report, the director finds this credit union has the administrative capability and the financial resources to serve the proposed group. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(C)).

8. That no evidence was submitted as part of the application nor is the director in possession of any information that any other group is interested in forming a new credit union to serve this group. (4 CSR 105-3.020 Criteria for Additional Membership Groups (1)(D)).

  
Sandra K. Branson, Director  
Division of Credit Unions

Date: March 20, 2006

## STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Stan Buffington DBA Buffington Brothers Heating & Cooling		110 N. Riverview  Poplar Bluff, MO 63901	10/26/05	10/26/2005-10/26/06



**T**he Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript.

**NOTICE OF DISSOLUTION OF THE LIMITED LIABILITY COMPANY  
TO ALL CREDITORS OF AND CLAIMANTS AGAINST  
KAHLER & ROGERS HEATING & AIR, LLC**

On March 7, 2006, Kahler& Rogers Heating & Air, LLC, a Missouri LLC (the "Company"), filed a Notice of Winding Up with the Missouri Secretary of State. Claims against the Company may be mailed to Alan Rogers 965 Hwy 215, Morrisville, MO 65710. Claims must include the name and address of the claimant, amount of the claim; basis for the claim; and documentation of the claim. A claim against the Company will be barred unless a proceeding to enforce the claim is commenced within three years after this publication.

**NOTICE OF WINDING UP OF A LIMITED LIABILITY COMPANY**

On January 5, 2006, South Supply, L.L.C., a Missouri limited liability company, was dissolved upon the filing of articles of dissolution by the Missouri Secretary of State. South Supply, L.L.C. requests all persons and organizations having claims against it to present them immediately by letter to Virginia G. Pasewark, 711 Old Ballas Road, Suite 102, St. Louis, Missouri 63141. All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, and attachment of all appropriate documents and other things.

**NOTICE:** Because of the dissolution of South Supply, L.L.C., any claims against it will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date.

**Notice of Dissolution to all creditors of and claimants against Watkins Transportation Services, LLC.** On March 7, 2006, Watkins Transportation Services, LLC, a Missouri limited liability company, filed its Articles of Termination with the Missouri Secretary of State. Dissolution was effective on the filing date. All persons and organizations with claims against said limited liability company must submit in writing to Watkins Transportation Services, LLC, c/o Kenneth S. Watkins, 3107 E. Chestnut Expressway Suite K, Springfield, Missouri 65802, a summary of the claim, including: the name, address and telephone number of the claimant; the amount of the claim; the basis of the claim; the date the claim arose; and documentation of the claim. Any and all claims against the company will be barred unless a proceeding to enforce the claim is commenced within 3 years after the date of this publication.

**NOTICE OF DISSOLUTION  
TO ALL CREDITORS OF AND  
CLAIMANTS AGAINST  
COX/FREEMAN HEALTH SYSTEM, L.L.C.**

On November 24, 2003, Cox/Freeman Health System, L.L.C., a Missouri limited liability company, filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State.

Said limited liability company requests that all persons and organizations who have claims against it present them immediately by letter to the limited liability company at:

COX/FREEMAN HEALTH SYSTEM, L.L.C.  
Attn: CHARITY ELMER  
3850 S. NATIONAL, STE. 740  
SPRINGFIELD, MISSOURI 65807

All claims must include the name and address of the claimant, the amount claimed, the basis for the claim, the date(s) on which the event(s) on which the claim is based occurred, and a brief description of the nature of the debt or the basis for the claim.

**NOTICE: Because of the dissolution of Cox/Freeman Health System, L.L.C. any claim against it will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication date of the three notices authorized by statute, whichever is published last.**

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY**

**NOTICE OF WINDING UP TO ALL CREDITORS OF AND CLAIMANTS AGAINST Cypress Meadows Development, LLC, a Missouri Limited Liability Company.**

On February 6, 2006, Cypress Meadows Development, LLC, a Missouri Limited Liability Company, filed its notice of winding up with the Missouri Secretary of State.

Dissolution was effective on February 6, 2006.

Said limited liability company requests that all persons and organizations with claims against it present them immediately by letter to the limited liability company at:

Cypress Meadows Development, LLC  
c/o Casper Enterprises, Inc.  
P.O. Box 122  
O'Fallon, MO 63366

All claims must include: the name and address of the claimant; the amount claimed; the basis for the claim; and the dates(s) on which the event(s) on which the claim is based occurred.

**NOTICE: Because of the dissolution of Cypress Meadows Development, LLC, any claims against it will be barred unless proceeding to enforce the claim is commenced within three years after the publication date of the notice authorized by statute.**

# Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
<b>OFFICE OF ADMINISTRATION</b>					
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
1 CSR 20-4.010	Personnel Advisory Board and Division of Personnel		31 MoReg 285		
1 CSR 20-5.020	Personnel Advisory Board and Division of Personnel		30 MoReg 2384		
1 CSR 30-5.010	Design and Construction		30 MoReg 2476	31 MoReg 489	
1 CSR 35-1.050	Division of Facilities Management		30 MoReg 2478	31 MoReg 489	
1 CSR 35-2.030	Division of Facilities Management		30 MoReg 2478	31 MoReg 489	
<b>DEPARTMENT OF AGRICULTURE</b>					
2 CSR 30-2.014	Animal Health	31 MoReg 277 31 MoReg 541T			
2 CSR 30-10.010	Animal Health		31 MoReg 462		
2 CSR 80-5.010	State Milk Board		31 MoReg 586		
2 CSR 90-20.040	Weights and Measures		31 MoReg 98		
2 CSR 90-22.140	Weights and Measures		31 MoReg 98		
2 CSR 90-23.010	Weights and Measures		31 MoReg 99		
2 CSR 90-25.010	Weights and Measures		31 MoReg 99		
<b>DEPARTMENT OF CONSERVATION</b>					
3 CSR 10-4.135	Conservation Commission		31 MoReg 7 31 MoReg 589	31 MoReg 489	
3 CSR 10-5.331	Conservation Commission		31 MoReg 374		
3 CSR 10-7.410	Conservation Commission		31 MoReg 208	31 MoReg 609	
3 CSR 10-7.455	Conservation Commission				31 MoReg 244
3 CSR 10-10.707	Conservation Commission		31 MoReg 589		
3 CSR 10-10.708	Conservation Commission		31 MoReg 592		
3 CSR 10-10.710	Conservation Commission		31 MoReg 594R		
3 CSR 10-10.715	Conservation Commission		31 MoReg 596		
3 CSR 10-10.725	Conservation Commission		31 MoReg 603		
3 CSR 10-11.120	Conservation Commission		31 MoReg 603		
3 CSR 10-11.135	Conservation Commission		31 MoReg 603		
3 CSR 10-11.180	Conservation Commission		31 MoReg 604		
3 CSR 10-11.205	Conservation Commission		31 MoReg 605		
3 CSR 10-12.110	Conservation Commission		31 MoReg 605		
3 CSR 10-12.115	Conservation Commission		31 MoReg 605		
3 CSR 10-12.125	Conservation Commission		31 MoReg 606		
3 CSR 10-12.135	Conservation Commission		31 MoReg 607		
3 CSR 10-12.140	Conservation Commission		31 MoReg 607		
3 CSR 10-12.145	Conservation Commission		31 MoReg 607		
<b>DEPARTMENT OF ECONOMIC DEVELOPMENT</b>					
4 CSR 10-1.010	Missouri State Board of Accountancy		This Issue		
4 CSR 10-1.020	Missouri State Board of Accountancy		This Issue		
4 CSR 10-1.050	Missouri State Board of Accountancy		This Issue		
4 CSR 10-2.005	Missouri State Board of Accountancy		This Issue		
4 CSR 10-2.022	Missouri State Board of Accountancy		This IssueR This Issue		
4 CSR 10-2.041	Missouri State Board of Accountancy		This Issue		
4 CSR 10-2.051	Missouri State Board of Accountancy		This Issue		
4 CSR 10-2.065	Missouri State Board of Accountancy		This Issue		
4 CSR 10-2.070	Missouri State Board of Accountancy		This Issue		
4 CSR 10-2.072	Missouri State Board of Accountancy		This Issue		
4 CSR 10-2.075	Missouri State Board of Accountancy		This Issue		
4 CSR 10-2.130	Missouri State Board of Accountancy		This IssueR This Issue		
4 CSR 10-2.140	Missouri State Board of Accountancy		This Issue		
4 CSR 10-2.150	Missouri State Board of Accountancy		This IssueR This Issue		
4 CSR 10-2.160	Missouri State Board of Accountancy		This Issue		
4 CSR 30-1.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 7		
4 CSR 30-2.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 8		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 30-4.050	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 9		
4 CSR 30-5.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 10		
4 CSR 30-5.070	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 10		
4 CSR 30-6.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 11		
4 CSR 30-6.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 13		
4 CSR 30-7.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 13		
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 13		
4 CSR 30-13.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 14		
4 CSR 30-13.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 15		
4 CSR 30-14.020	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 16		
4 CSR 30-17.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 16		
4 CSR 30-18.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 16		
4 CSR 30-19.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 16		
4 CSR 30-20.010	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		31 MoReg 17		
4 CSR 100	Division of Credit Unions				31 MoReg 396 This Issue
4 CSR 100-2.045	Division of Credit Unions		30 MoReg 2479R	31 MoReg 490R	
4 CSR 115-1.040	State Committee of Dietitians		31 MoReg 286		
4 CSR 115-2.045	State Committee of Dietitians		31 MoReg 289		
4 CSR 120-2.060	State Board of Embalmers and Funeral Directors		31 MoReg 542		
4 CSR 150-3.010	State Board of Registration for the Healing Arts		31 MoReg 208		
4 CSR 150-3.030	State Board of Registration for the Healing Arts		31 MoReg 209		
4 CSR 150-3.050	State Board of Registration for the Healing Arts		31 MoReg 210		
4 CSR 150-3.110	State Board of Registration for the Healing Arts		31 MoReg 210		
4 CSR 150-3.150	State Board of Registration for the Healing Arts		31 MoReg 211		
4 CSR 150-9.010	State Board of Registration for the Healing Arts		31 MoReg 292		
4 CSR 150-9.020	State Board of Registration for the Healing Arts		31 MoReg 292		
4 CSR 150-9.030	State Board of Registration for the Healing Arts		31 MoReg 292		
4 CSR 150-9.040	State Board of Registration for the Healing Arts		31 MoReg 296		
4 CSR 150-9.050	State Board of Registration for the Healing Arts		31 MoReg 296		
4 CSR 150-9.051	State Board of Registration for the Healing Arts		31 MoReg 297		
4 CSR 150-9.060	State Board of Registration for the Healing Arts		31 MoReg 298		
4 CSR 150-9.070	State Board of Registration for the Healing Arts		31 MoReg 301		
4 CSR 150-9.080	State Board of Registration for the Healing Arts		31 MoReg 303		
4 CSR 150-9.090	State Board of Registration for the Healing Arts		31 MoReg 303		
4 CSR 150-9.100	State Board of Registration for the Healing Arts		31 MoReg 303		
4 CSR 150-9.110	State Board of Registration for the Healing Arts		31 MoReg 304		
4 CSR 150-9.120	State Board of Registration for the Healing Arts		31 MoReg 304		
4 CSR 150-9.130	State Board of Registration for the Healing Arts		31 MoReg 305		
4 CSR 150-9.140	State Board of Registration for the Healing Arts		31 MoReg 305		
4 CSR 200-6.010	State Board of Nursing		30 MoReg 2022R	31 MoReg 387R	
4 CSR 200-6.020	State Board of Nursing		30 MoReg 2022	31 MoReg 387	
4 CSR 200-6.030	State Board of Nursing		30 MoReg 2024	31 MoReg 387	
4 CSR 200-6.040	State Board of Nursing		30 MoReg 2025	31 MoReg 389	
4 CSR 200-6.050	State Board of Nursing		30 MoReg 2032	31 MoReg 389	
4 CSR 200-6.060	State Board of Nursing		30 MoReg 2032	31 MoReg 389	
4 CSR 205-5.010	Missouri Board of Occupational Therapy		31 MoReg 17		
4 CSR 210-2.030	State Board of Optometry		31 MoReg 212		
4 CSR 210-2.070	State Board of Optometry		31 MoReg 212		
4 CSR 232-3.010	Missouri State Committee of Interpreters		31 MoReg 19		
4 CSR 240-2.071	Public Service Commission		30 MoReg 1332		
4 CSR 240-3.240	Public Service Commission		30 MoReg 2033R		
			30 MoReg 2034		
4 CSR 240-3.330	Public Service Commission		30 MoReg 2037R		
			30 MoReg 2037		
4 CSR 240-3.440	Public Service Commission		30 MoReg 2041R		
			30 MoReg 2041		
4 CSR 240-3.570	Public Service Commission		30 MoReg 2479		
4 CSR 240-3.635	Public Service Commission		30 MoReg 2045R		
			30 MoReg 2045		
4 CSR 250-3.010	Missouri Real Estate Commission		This Issue		
4 CSR 250-3.020	Missouri Real Estate Commission		This Issue		



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4 CSR 250-5.030	Missouri Real Estate Commission		This Issue		
4 CSR 250-5.040	Missouri Real Estate Commission		This Issue		
4 CSR 250-6.010	Missouri Real Estate Commission		This IssueR		
4 CSR 250-6.020	Missouri Real Estate Commission		This IssueR		
4 CSR 250-6.040	Missouri Real Estate Commission		This IssueR		
4 CSR 250-6.050	Missouri Real Estate Commission		This IssueR		
4 CSR 250-6.060	Missouri Real Estate Commission		This Issue		
4 CSR 250-7.010	Missouri Real Estate Commission		This IssueR		
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4 CSR 250-7.020	Missouri Real Estate Commission		This IssueR		
			This Issue		
4 CSR 250-7.030	Missouri Real Estate Commission		This IssueR		
4 CSR 250-7.040	Missouri Real Estate Commission		This IssueR		
4 CSR 250-7.050	Missouri Real Estate Commission		This IssueR		
4 CSR 250-7.060	Missouri Real Estate Commission		This Issue		
4 CSR 250-7.070	Missouri Real Estate Commission		This Issue		
4 CSR 250-7.080	Missouri Real Estate Commission		This Issue		
4 CSR 250-7.090	Missouri Real Estate Commission		This Issue		
4 CSR 250-10.010	Missouri Real Estate Commission		This IssueR		
4 CSR 250-10.020	Missouri Real Estate Commission		This IssueR		
4 CSR 250-10.030	Missouri Real Estate Commission		This IssueR		
4 CSR 250-10.040	Missouri Real Estate Commission		This IssueR		
4 CSR 250-10.050	Missouri Real Estate Commission		This IssueR		
4 CSR 250-10.060	Missouri Real Estate Commission		This IssueR		
4 CSR 250-10.070	Missouri Real Estate Commission		This IssueR		
4 CSR 250-10.075	Missouri Real Estate Commission		This IssueR		
4 CSR 250-10.080	Missouri Real Estate Commission		This IssueR		
4 CSR 250-10.100	Missouri Real Estate Commission		This Issue		
4 CSR 263-2.082	State Committee for Social Workers		31 MoReg 309R 31 MoReg 309		
4 CSR 270-1.031	Missouri Veterinary Medical Board		31 MoReg 19		
4 CSR 270-1.050	Missouri Veterinary Medical Board		31 MoReg 20		
4 CSR 270-4.011	Missouri Veterinary Medical Board		31 MoReg 20		
4 CSR 270-4.041	Missouri Veterinary Medical Board		31 MoReg 23		
<b>DEPARTMENT OF TRANSPORTATION</b>					
7 CSR 10-14.010	Missouri Highways and Transportation Commission		31 MoReg 314		
7 CSR 10-14.020	Missouri Highways and Transportation Commission		31 MoReg 314		
7 CSR 10-14.030	Missouri Highways and Transportation Commission		31 MoReg 314		
7 CSR 10-14.040	Missouri Highways and Transportation Commission		31 MoReg 315		
7 CSR 10-14.050	Missouri Highways and Transportation Commission		31 MoReg 316		
7 CSR 10-14.060	Missouri Highways and Transportation Commission		31 MoReg 316		
7 CSR 10-24.030	Missouri Highways and Transportation Commission	30 MoReg 2373	30 MoReg 1907	31 MoReg 123	
7 CSR 10-24.110	Missouri Highways and Transportation Commission	30 MoReg 2374	30 MoReg 1914	31 MoReg 128	
7 CSR 10-24.120	Missouri Highways and Transportation Commission	30 MoReg 2376	30 MoReg 1914	31 MoReg 128	
7 CSR 10-25.010	Missouri Highways and Transportation Commission				31 MoReg 396 31 MoReg 507
7 CSR 10-26.010	Missouri Highways and Transportation Commission		31 MoReg 317		
7 CSR 10-26.020	Missouri Highways and Transportation Commission		31 MoReg 317		
<b>DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS</b>					
8 CSR 10-4.190	Division of Employment Security	31 MoReg 5	31 MoReg 23	31 MoReg 609	
8 CSR 50-2.020	Division of Workers' Compensation	31 MoReg 83	31 MoReg 23	This Issue	
8 CSR 50-5.060	Division of Workers' Compensation	30 MoReg 2467	30 MoReg 2486	31 MoReg 546	
8 CSR 60-2.025	Missouri Commission on Human Rights		30 MoReg 1921		
8 CSR 60-2.065	Missouri Commission on Human Rights		30 MoReg 1921		
8 CSR 60-2.100	Missouri Commission on Human Rights		30 MoReg 1922		
8 CSR 60-2.130	Missouri Commission on Human Rights		30 MoReg 1923		
8 CSR 60-2.150	Missouri Commission on Human Rights		30 MoReg 1923		
8 CSR 60-2.210	Missouri Commission on Human Rights		30 MoReg 1923		
<b>DEPARTMENT OF MENTAL HEALTH</b>					
9 CSR 45-2.015	Division of Mental Retardation and Developmental Disabilities		This Issue		
9 CSR 45-2.017	Division of Mental Retardation and Developmental Disabilities		This Issue		



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9 CSR 45-5.120	Division of Mental Retardation and Developmental Disabilities				31 MoReg 394RUC
9 CSR 50-2.010	Admission Criteria		31 MoReg 462		
9 CSR 50-2.020	Admission Criteria		31 MoReg 465		
9 CSR 50-2.510	Admission Criteria		31 MoReg 466		
<b>DEPARTMENT OF NATURAL RESOURCES</b>					
10 CSR 10-5.300	Air Conservation Commission		This Issue		
10 CSR 10-5.510	Air Conservation Commission		30 MoReg 2049	31 MoReg 609	
10 CSR 10-6.061	Air Conservation Commission		31 MoReg 25		
10 CSR 23-3.100	Geological Survey and Resource Assessment Division		30 MoReg 2241	31 MoReg 490	
10 CSR 23-5.050	Geological Survey and Resource Assessment Division		30 MoReg 2249	31 MoReg 490	
10 CSR 25-3.260	Hazardous Waste Management Commission		This Issue		
10 CSR 25-4.261	Hazardous Waste Management Commission		This Issue		
10 CSR 25-5.262	Hazardous Waste Management Commission		This Issue		
10 CSR 25-6.263	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.264	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.265	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.266	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.268	Hazardous Waste Management Commission		This Issue		
10 CSR 25-7.270	Hazardous Waste Management Commission		This Issue		
10 CSR 25-11.279	Hazardous Waste Management Commission		This Issue		
10 CSR 25-16.273	Hazardous Waste Management Commission		This Issue		
10 CSR 25-17.010	Hazardous Waste Management Commission		30 MoReg 2252	31 MoReg 609	
10 CSR 25-17.020	Hazardous Waste Management Commission		30 MoReg 2252	31 MoReg 610	
10 CSR 25-17.030	Hazardous Waste Management Commission		30 MoReg 2253	31 MoReg 610	
10 CSR 25-17.040	Hazardous Waste Management Commission		30 MoReg 2254	31 MoReg 610	
10 CSR 25-17.050	Hazardous Waste Management Commission		30 MoReg 2260	31 MoReg 610	
10 CSR 25-17.060	Hazardous Waste Management Commission		30 MoReg 2267	31 MoReg 610	
10 CSR 25-17.070	Hazardous Waste Management Commission		30 MoReg 2267	31 MoReg 611	
10 CSR 25-17.080	Hazardous Waste Management Commission		30 MoReg 2274	31 MoReg 611	
10 CSR 25-17.090	Hazardous Waste Management Commission		30 MoReg 2280	31 MoReg 611	
10 CSR 25-17.100	Hazardous Waste Management Commission		30 MoReg 2286	31 MoReg 611	
10 CSR 25-17.110	Hazardous Waste Management Commission		30 MoReg 2286	31 MoReg 611	
10 CSR 25-17.120	Hazardous Waste Management Commission		30 MoReg 2287	31 MoReg 612	
10 CSR 25-17.130	Hazardous Waste Management Commission		30 MoReg 2288	31 MoReg 612	
10 CSR 25-17.140	Hazardous Waste Management Commission		30 MoReg 2288	31 MoReg 612	
10 CSR 25-17.150	Hazardous Waste Management Commission		30 MoReg 2289	31 MoReg 612	
10 CSR 25-17.160	Hazardous Waste Management Commission		30 MoReg 2295	31 MoReg 612	
10 CSR 25-17.170	Hazardous Waste Management Commission		30 MoReg 2295	31 MoReg 613	
10 CSR 40-7.011	Land Reclamation Commission	31 MoReg 182	31 MoReg 28		
10 CSR 40-7.021	Land Reclamation Commission	31 MoReg 186	31 MoReg 32		
10 CSR 40-7.031	Land Reclamation Commission	31 MoReg 188	31 MoReg 33		
10 CSR 40-7.041	Land Reclamation Commission	31 MoReg 189	31 MoReg 34		
10 CSR 40-10.085	Land Reclamation Commission		30 MoReg 1124		
10 CSR 140-2.020	Division of Energy				30 MoReg 2096
<b>DEPARTMENT OF PUBLIC SAFETY</b>					
11 CSR 10-7.010	Adjutant General	30 MoReg 2549	30 MoReg 2556	31 MoReg 546	
11 CSR 40-2.010	Division of Fire Safety		31 MoReg 318		
11 CSR 40-2.015	Division of Fire Safety		31 MoReg 319		
11 CSR 40-2.030	Division of Fire Safety		31 MoReg 320		
11 CSR 40-2.040	Division of Fire Safety		31 MoReg 320		
11 CSR 45-3.010	Missouri Gaming Commission		This Issue		
11 CSR 45-4.260	Missouri Gaming Commission		This Issue		
11 CSR 45-5.237	Missouri Gaming Commission		30 MoReg 2488	31 MoReg 546	
11 CSR 45-8.060	Missouri Gaming Commission		This Issue		
11 CSR 45-8.170	Missouri Gaming Commission		31 MoReg 376		
11 CSR 45-10.020	Missouri Gaming Commission		This Issue		
11 CSR 45-30.035	Missouri Gaming Commission		31 MoReg 379		
11 CSR 45-30.090	Missouri Gaming Commission		31 MoReg 379		
11 CSR 45-30.140	Missouri Gaming Commission		31 MoReg 379		
11 CSR 45-30.175	Missouri Gaming Commission		31 MoReg 380		
11 CSR 45-30.390	Missouri Gaming Commission		31 MoReg 380		
11 CSR 45-30.480	Missouri Gaming Commission		31 MoReg 381		
11 CSR 45-30.600	Missouri Gaming Commission		31 MoReg 381		
11 CSR 45-30.610	Missouri Gaming Commission		31 MoReg 384		
11 CSR 70-2.280	Division of Alcohol and Tobacco Control		31 MoReg 321		
<b>DEPARTMENT OF REVENUE</b>					
12 CSR 10-1.020	Director of Revenue		30 MoReg 2488	31 MoReg 546	
12 CSR 10-2.195	Director of Revenue		30 MoReg 982R		
			30 MoReg 2489R	31 MoReg 547R	

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12 CSR 10-3.470	Director of Revenue		30 MoReg 2489R	31 MoReg 547R	
12 CSR 10-3.566	Director of Revenue		30 MoReg 2489R	31 MoReg 547R	
12 CSR 10-3.568	Director of Revenue		30 MoReg 2490R	31 MoReg 547R	
12 CSR 10-3.892	Director of Revenue		30 MoReg 2490R	31 MoReg 547R	
12 CSR 10-6.030	Director of Revenue		30 MoReg 2490	31 MoReg 547	
12 CSR 10-16.010	Director of Revenue		30 MoReg 2298R	31 MoReg 389R	
12 CSR 10-16.020	Director of Revenue		30 MoReg 2299R	31 MoReg 389R	
12 CSR 10-16.030	Director of Revenue		30 MoReg 2299R	31 MoReg 390R	
12 CSR 10-16.040	Director of Revenue		30 MoReg 2299	31 MoReg 390W	
12 CSR 10-16.050	Director of Revenue		30 MoReg 2300R	31 MoReg 390R	
12 CSR 10-16.060	Director of Revenue		30 MoReg 2300	31 MoReg 390	
12 CSR 10-16.070	Director of Revenue		30 MoReg 2300	31 MoReg 390	
12 CSR 10-16.090	Director of Revenue		30 MoReg 2301	31 MoReg 390	
12 CSR 10-16.100	Director of Revenue		30 MoReg 2301	31 MoReg 391	
12 CSR 10-16.110	Director of Revenue		30 MoReg 2302	31 MoReg 391	
12 CSR 10-16.120	Director of Revenue		30 MoReg 2302	31 MoReg 391W	
12 CSR 10-16.130	Director of Revenue		30 MoReg 2303	31 MoReg 391	
12 CSR 10-16.140	Director of Revenue		30 MoReg 2303	31 MoReg 392	
12 CSR 10-16.150	Director of Revenue		30 MoReg 2304	31 MoReg 392	
12 CSR 10-16.160	Director of Revenue		30 MoReg 2305R	31 MoReg 392R	
12 CSR 10-16.170	Director of Revenue		30 MoReg 2305	31 MoReg 392	
12 CSR 10-23.390	Director of Revenue		30 MoReg 2559R	31 MoReg 548R	
12 CSR 10-23.420	Director of Revenue		31 MoReg 216		
12 CSR 10-23.440	Director of Revenue		30 MoReg 2493R	31 MoReg 548R	
12 CSR 10-23.470	Director of Revenue		31 MoReg 216		
12 CSR 10-24.030	Director of Revenue		30 MoReg 2493	31 MoReg 548	
12 CSR 10-24.120	Director of Revenue		30 MoReg 2559R	31 MoReg 548R	
12 CSR 10-24.370	Director of Revenue		31 MoReg 217R		
12 CSR 10-24.400	Director of Revenue		31 MoReg 217R		
12 CSR 10-41.010	Director of Revenue	30 MoReg 2550 31 MoReg 5T 31 MoReg 5	30 MoReg 2494		
			31 MoReg 35	31 MoReg 613	
12 CSR 10-101.700	Director of Revenue		30 MoReg 2559	31 MoReg 548	
12 CSR 10-103.620	Director of Revenue		30 MoReg 2559	31 MoReg 548	
12 CSR 10-200.010	Director of Revenue		This Issue		
12 CSR 10-405.100	Director of Revenue		30 MoReg 2388	31 MoReg 392	
12 CSR 10-405.105	Director of Revenue		30 MoReg 2389	31 MoReg 392	
12 CSR 10-405.200	Director of Revenue		30 MoReg 2393	31 MoReg 393	
12 CSR 10-405.205	Director of Revenue		30 MoReg 2394	31 MoReg 393	
12 CSR 30-3.060	State Tax Commission		31 MoReg 217		
12 CSR 30-3.065	State Tax Commission		31 MoReg 218		
12 CSR 30-4.010	State Tax Commission		31 MoReg 218		
12 CSR 40-80.080	State Lottery		30 MoReg 2563		
<b>DEPARTMENT OF SOCIAL SERVICES</b>					
13 CSR 35-34.080	Children's Division		30 MoReg 2399	31 MoReg 490	
13 CSR 40-2.030	Family Support Division		30 MoReg 2176	31 MoReg 393	31 MoReg 397
13 CSR 40-19.020	Family Support Division	30 MoReg 1993	30 MoReg 2055		
13 CSR 40-110.030	Family Support Division		This Issue		
13 CSR 70-3.020	Division of Medical Services		30 MoReg 2498	This Issue	
13 CSR 70-4.080	Division of Medical Services		30 MoReg 2563	31 MoReg 613	
13 CSR 70-6.010	Division of Medical Services		31 MoReg 468		
13 CSR 70-15.010	Division of Medical Services		31 MoReg 384		
13 CSR 70-28.010	Division of Medical Services		30 MoReg 2306	31 MoReg 548W	
<b>DEPARTMENT OF CORRECTIONS</b>					
14 CSR 80-5.010	State Board of Probation and Parole	30 MoReg 2377	30 MoReg 2400	31 MoReg 490	
14 CSR 80-5.020	State Board of Probation and Parole	30 MoReg 2378	30 MoReg 2400	31 MoReg 491	
<b>ELECTED OFFICIALS</b>					
15 CSR 30-9.020	Secretary of State	31 MoReg 441R 31 MoReg 441	31 MoReg 472R 31 MoReg 472		
15 CSR 30-9.030	Secretary of State	31 MoReg 445R 31 MoReg 445	31 MoReg 475R 31 MoReg 476		
15 CSR 30-50.040	Secretary of State		30 MoReg 2307 31 MoReg 608		
15 CSR 30-54.070	Secretary of State		This Issue		
15 CSR 30-54.260	Secretary of State		30 MoReg 2563	31 MoReg 549	
15 CSR 30-200.100	Secretary of State		31 MoReg 542		
15 CSR 60-14.040	Attorney General	30 MoReg 2382	30 MoReg 2406	31 MoReg 613	
<b>RETIREMENT SYSTEMS</b>					
16 CSR 10-5.030	The Public School Retirement System of Missouri		30 MoReg 2498	31 MoReg 495	
16 CSR 10-6.090	The Public School Retirement System of Missouri		30 MoReg 2499	31 MoReg 495	
16 CSR 50-1.010	The County Employees' Retirement Fund		30 MoReg 2564	31 MoReg 614	
16 CSR 50-2.035	The County Employees' Retirement Fund		30 MoReg 2564 31 MoReg 543	31 MoReg 614	

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16 CSR 50-2.040	The County Employees' Retirement Fund		30 MoReg 2566	31 MoReg 614	
16 CSR 50-2.120	The County Employees' Retirement Fund		30 MoReg 2566	31 MoReg 614	
16 CSR 50-2.130	The County Employees' Retirement Fund		30 MoReg 2567	31 MoReg 614	
16 CSR 50-2.160	The County Employees' Retirement Fund		30 MoReg 2567 31 MoReg 544	31 MoReg 614	
16 CSR 50-3.010	The County Employees' Retirement Fund		31 MoReg 544		
16 CSR 50-10.030	The County Employees' Retirement Fund		30 MoReg 2568	31 MoReg 615	
16 CSR 50-10.050	The County Employees' Retirement Fund		30 MoReg 2568	31 MoReg 615	
16 CSR 50-20.120	The County Employees' Retirement Fund		30 MoReg 2568	31 MoReg 615	
<b>PUBLIC DEFENDER COMMISSION</b>					
18 CSR 10-3.010	Office of State Public Defender		31 MoReg 385		
<b>DEPARTMENT OF HEALTH AND SENIOR SERVICES</b>					
19 CSR 15-8.100	Division of Senior and Disability Services	31 MoReg 84	31 MoReg 100		
19 CSR 15-8.200	Division of Senior and Disability Services	31 MoReg 85	31 MoReg 101		
19 CSR 15-8.300	Division of Senior and Disability Services	31 MoReg 87	31 MoReg 103		
19 CSR 15-8.400	Division of Senior and Disability Services	31 MoReg 88R 31 MoReg 89	31 MoReg 106R 31 MoReg 106		
19 CSR 15-8.500	Division of Senior and Disability Services	31 MoReg 91	31 MoReg 110		
19 CSR 15-8.510	Division of Senior Services	31 MoReg 92R	31 MoReg 110R		
19 CSR 15-8.520	Division of Senior Services	31 MoReg 92R	31 MoReg 110R		
19 CSR 20-20.010	Division of Community and Public Health		31 MoReg 478		
19 CSR 20-20.020	Division of Community and Public Health		31 MoReg 480		
19 CSR 20-20.080	Division of Community and Public Health	31 MoReg 277	31 MoReg 488		
19 CSR 30-20.011	Division of Senior Services and Regulation		30 MoReg 2177	31 MoReg 495	
19 CSR 30-20.021	Division of Senior Services and Regulation	30 MoReg 2000	30 MoReg 2070 31 MoReg 324		
19 CSR 30-30.010	Division of Senior Services and Regulation		30 MoReg 2179	31 MoReg 497	
19 CSR 30-30.020	Division of Senior Services and Regulation		30 MoReg 2181	31 MoReg 499	
19 CSR 30-81.010	Division of Senior Services and Regulation		30 MoReg 2499	31 MoReg 505	
19 CSR 30-88.010	Division of Regulation and Licensure		31 MoReg 111		
19 CSR 60-50	Missouri Health Facilities Review Committee				31 MoReg 340 31 MoReg 616
19 CSR 73-2.015	Missouri Board of Nursing Home Administrators		31 MoReg 114		
19 CSR 73-2.050	Missouri Board of Nursing Home Administrators		31 MoReg 114		
19 CSR 73-2.055	Missouri Board of Nursing Home Administrators		31 MoReg 116		
<b>DEPARTMENT OF INSURANCE</b>					
20 CSR	Medical Malpractice				29 MoReg 505 30 MoReg 481 31 MoReg 616
20 CSR	Sovereign Immunity Limits				28 MoReg 2265 30 MoReg 108 30 MoReg 2587
20 CSR 10-1.020	General Administration		31 MoReg 544		
20 CSR 200-1.030	Financial Examination		31 MoReg 116	This Issue	
20 CSR 200-1.170	Financial Examination		31 MoReg 121	This Issue	
20 CSR 200-6.100	Financial Examination		30 MoReg 2502	31 MoReg 506	
20 CSR 400-1.020	Life, Annuities and Health		30 MoReg 1068		
20 CSR 400-2.170	Life, Annuities and Health	31 MoReg 191	31 MoReg 219		
20 CSR 700-6.100	Licensing	31 MoReg 192	31 MoReg 221		
<b>MISSOURI CONSOLIDATED HEALTH CARE PLAN</b>					
22 CSR 10-2.010	Health Care Plan	31 MoReg 193R 31 MoReg 194	31 MoReg 224R 31 MoReg 224		
22 CSR 10-2.020	Health Care Plan	31 MoReg 198	31 MoReg 228		
22 CSR 10-2.050	Health Care Plan	31 MoReg 199	31 MoReg 229		
22 CSR 10-2.060	Health Care Plan	31 MoReg 200	31 MoReg 230		
22 CSR 10-2.064	Health Care Plan	31 MoReg 202	31 MoReg 232		
22 CSR 10-2.067	Health Care Plan	31 MoReg 202	31 MoReg 232		
22 CSR 10-2.090	Health Care Plan	31 MoReg 204	31 MoReg 234		

Agency	Publication	Expiration
<b>Department of Labor and Industrial Relations</b>		
<b>Division of Employment Security</b>		
8 CSR 10-4.190 State Unemployment Tax Act Dumping . . . . .	31 MoReg 5 . . . . .	June 29, 2006
<b>Workers' Compensation</b>		
8 CSR 50-2.020 Administration . . . . .	31 MoReg 83 . . . . .	June 19, 2006
<b>Department of Natural Resources</b>		
<b>Land Reclamation Commission</b>		
10 CSR 40-7.011 Bond Requirements . . . . .	31 MoReg 182 . . . . .	June 29, 2006
10 CSR 40-7.021 Duration and Release of Reclamation Liability . . . . .	31 MoReg 186 . . . . .	June 29, 2006
10 CSR 40-7.031 Permit Revocation, Bond Forfeiture and Authorization to Expend Reclamation Fund Monies . . . . .	31 MoReg 188 . . . . .	June 29, 2006
10 CSR 40-7.041 Form and Administration of the Coal Mine Land Reclamation Fund . . .	31 MoReg 189 . . . . .	June 29, 2006
<b>Department of Public Safety</b>		
<b>Adjutant General</b>		
11 CSR 10-7.010 Missouri Military Family Relief Fund . . . . .	30 MoReg 2549 . . . . .	May 10, 2006
<b>Department of Revenue</b>		
<b>Director of Revenue</b>		
12 CSR 10-41.010 Annual Adjusted Rate of Interest . . . . .	31 MoReg 5 . . . . .	June 29, 2006
<b>Elected Officials</b>		
<b>Secretary of State</b>		
15 CSR 30-9.020 Uniform Counting Standards—Optical Scan Voting Systems . . . . .	31 MoReg 441 . . . . .	August 16, 2006
15 CSR 30-9.020 Uniform Counting Standards—Optical Scan Voting Systems . . . . .	June 1, 2006 . . . . .	Terminated April 30, 2006
15 CSR 30-9.020 Uniform Counting Standards—Optical Scan Voting Systems . . . . .	June 1, 2006 . . . . .	August 16, 2006
15 CSR 30-9.030 Uniform Counting Standards—Paper Ballots . . . . .	31 MoReg 445 . . . . .	August 16, 2006
15 CSR 30-9.030 Uniform Counting Standards—Paper Ballots . . . . .	June 1, 2006 . . . . .	Terminated April 30, 2006
15 CSR 30-9.030 Uniform Counting Standards—Paper Ballots . . . . .	June 1, 2006 . . . . .	August 16, 2006
<b>Department of Health and Senior Services</b>		
<b>Division of Senior and Disability Services</b>		
19 CSR 15-8.100 Definitions . . . . .	31 MoReg 84 . . . . .	June 23, 2006
19 CSR 15-8.200 Eligibility . . . . .	31 MoReg 85 . . . . .	June 23, 2006
19 CSR 15-8.300 Eligibility for Non-Medicaid Eligible Program . . . . .	31 MoReg 87 . . . . .	June 23, 2006
19 CSR 15-8.400 Providers . . . . .	31 MoReg 88 . . . . .	June 23, 2006
19 CSR 15-8.400 Vendors . . . . .	31 MoReg 89 . . . . .	June 23, 2006
19 CSR 15-8.500 Hearing Rights . . . . .	31 MoReg 91 . . . . .	June 23, 2006
19 CSR 15-8.510 Informal Review . . . . .	31 MoReg 92 . . . . .	June 23, 2006
19 CSR 15-8.520 Hearing . . . . .	31 MoReg 92 . . . . .	June 23, 2006
<b>Division of Environmental Health and Communicable Disease Prevention</b>		
19 CSR 20-20.080 Duties of Laboratories . . . . .	31 MoReg 277 . . . . .	July 3, 2006
<b>Department of Insurance</b>		
<b>Life, Annuities and Health</b>		
20 CSR 400-2.170 Early Intervention Part C Coverage . . . . .	31 MoReg 191 . . . . .	June 29, 2006
<b>Licensing</b>		
20 CSR 700-6.100 Applications, Fees and Renewals—Bail Bond Agents, General Bail Bond Agents and Surety Recovery Agents . . . . .	31 MoReg 192 . . . . .	July 12, 2006
<b>Missouri Consolidated Health Care Plan</b>		
<b>Health Care Plan</b>		
22 CSR 10-2.010 Definitions . . . . .	31 MoReg 193 . . . . .	June 29, 2006
22 CSR 10-2.010 Definitions . . . . .	31 MoReg 194 . . . . .	June 29, 2006
22 CSR 10-2.020 Subscriber Agreement and General Membership Provisions . . . . .	31 MoReg 198 . . . . .	June 29, 2006
22 CSR 10-2.050 PPO and Co-Pay Provisions and Covered Charges . . . . .	31 MoReg 199 . . . . .	June 29, 2006
22 CSR 10-2.060 PPO and Co-Pay Plan Limitation . . . . .	31 MoReg 200 . . . . .	June 29, 2006
22 CSR 10-2.064 HMO and POS Summary of Medical Benefits . . . . .	31 MoReg 202 . . . . .	June 29, 2006
22 CSR 10-2.067 HMO and POS Limitations . . . . .	31 MoReg 202 . . . . .	June 29, 2006
22 CSR 10-2.090 Pharmacy Benefit Summary . . . . .	31 MoReg 204 . . . . .	June 29, 2006

**Executive  
Orders****Subject Matter****Filed Date****Publication****2006**

<b>06-01</b>	Designates members of staff with supervisory authority over selected state agencies	January 10, 2006	31 MoReg 281
<b>06-02</b>	Extends the deadline for the State Retirement Consolidation Commission to issue its final report and terminate operations to March 1, 2006	January 11, 2006	31 MoReg 283
<b>06-03</b>	Creates and establishes the Missouri Healthcare Information Technology Task Force	January 17, 2006	31 MoReg 371
<b>06-04</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Division of Finance, the State Banking Board, the Division of Credit Unions, and the Division of Professional Registration to the Department of Insurance. Renames the Department of Insurance as the Missouri Department of Insurance, Financial Institutions and Professional Registration. Effective August 28, 2006	February 1, 2006	31 MoReg 448
<b>06-05</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Rx Plan Advisory Commission to the Missouri Department of Health and Senior Services. Effective August 28, 2006	February 1, 2006	31 MoReg 451
<b>06-06</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Assistive Technology Advisory Council to the Missouri Department of Elementary and Secondary Education. Rescinds certain provisions of Executive Order 04-08. Effective August 28, 2006	February 1, 2006	31 MoReg 453
<b>06-07</b>	Governor Matt Blunt transfers functions, personnel, property, etc. of the Missouri Life Sciences Research Board to the Missouri Department of Economic Development	February 1, 2006	31 MoReg 455
<b>06-08</b>	Names the state office building, located at 1616 Missouri Boulevard, Jefferson City, Missouri, in honor of George Washington Carver	February 7, 2006	31 MoReg 457
<b>06-09</b>	Directs and orders that the Director of the Department of Public Safety is the Homeland Security Advisor to the Governor, reauthorizes the Homeland Security Advisory Council and assigns them additional duties	February 10, 2006	31 MoReg 460
<b>06-10</b>	Establishes the Government, Faith-based and Community Partnership	March 7, 2006	31 MoReg 577
<b>06-11</b>	Orders and directs the Adjutant General to call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property and to employ such equipment as may be necessary in support of civilian authorities	March 13, 2006	31 MoReg 580
<b>06-12</b>	Declares that a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	March 13, 2006	31 MoReg 582
<b>06-13</b>	The Director of the Missouri Department of Natural Resources is vested with full discretionary authority to temporarily waive or suspend the operation of any statutory or administrative rule or regulation currently in place under his purview in order to best serve the public health and safety during the period of the emergency and the subsequent recovery period	March 13, 2006	31 MoReg 584
<b>06-14</b>	Declares a State of Emergency exists in the State of Missouri and directs that the Missouri State Emergency Operation Plan be activated	April 3, 2006	This Issue
<b>06-15</b>	Orders and directs the Adjutant General, or his designee, to call and order into active service portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and take such action and employ such equipment as may be necessary in support of civilian authorities, and provide assistance as authorized and directed by the Governor	April 3, 2006	This Issue
<b>06-16</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	This Issue
<b>06-17</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated	April 3, 2006	This Issue
<b>06-18</b>	Authorizes the investigators from the Division of Fire Safety, the Park Rangers from the Department of Natural Resources, the Conservation Agents from the Department of Conservation, and other POST certified state agency investigators to exercise full state wide police authority as vested in Missouri peace officers pursuant to Chapter 590, RSMo during the period of this state declaration of emergency	April 3, 2006	This Issue
<b>06-19</b>	Allows the director of the Missouri Department of Natural Resources to grant waivers to help expedite storm recovery efforts	April 3, 2006	This Issue
<b>06-20</b>	Creates interim requirements for overdimension and overweight permits for commercial motor carriers engaged in storm recovery efforts	April 5, 2006	Next Issue



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<u><b>2005</b></u>			
<b>05-01</b>	Rescinds Executive Order 01-09	January 11, 2005	30 MoReg 261
<b>05-02</b>	Restricts new lease and purchase of vehicles, cellular phones, and office space by executive agencies	January 11, 2005	30 MoReg 262
<b>05-03</b>	Closes state's Washington D.C. office	January 11, 2005	30 MoReg 264
<b>05-04</b>	Authorizes Transportation Director to issue declaration of regional or local emergency with reference to motor carriers	January 11, 2005	30 MoReg 266
<b>05-05</b>	Establishes the 2005 Missouri State Government Review Commission	January 24, 2005	30 MoReg 359
<b>05-06</b>	Bans the use of video games by inmates in all state correctional facilities	January 24, 2005	30 MoReg 362
<b>05-07</b>	Consolidates the Office of Information Technology to the Office of Administration's Division of Information Services	January 26, 2005	30 MoReg 363
<b>05-08</b>	Consolidates the Division of Design and Construction to Division of Facilities Management, Design and Construction	February 2, 2005	30 MoReg 433
<b>05-09</b>	Transfers the Missouri Head Injury Advisory Council to the Department of Health and Senior Services	February 2, 2005	30 MoReg 435
<b>05-10</b>	Transfers and consolidates in-home care for elderly and disabled individuals from the Department of Elementary and Secondary Education and the Department of Social Services to the Department of Health and Senior Services	February 3, 2005	30 MoReg 437
<b>05-11</b>	Rescinds Executive Order 04-22 and orders the Department of Health and Senior Services and all Missouri health care providers and others that possess influenza vaccine adopt the Center for Disease Control and Prevention, Advisory Committee for Immunization Practices expanded priority group designations as soon as possible and update the designations as necessary	February 3, 2005	30 MoReg 439
<b>05-12</b>	Designates members of staff with supervisory authority over selected state agencies	March 8, 2005	30 MoReg 607
<b>05-13</b>	Establishes the Governor's Advisory Council for Plant Biotechnology	April 26, 2005	30 MoReg 1110
<b>05-14</b>	Establishes the Missouri School Bus Safety Task Force	May 17, 2005	30 MoReg 1299
<b>05-15</b>	Establishes the Missouri Task Force on Eminent Domain	June 28, 2005	30 MoReg 1610
<b>05-16</b>	Transfers all power, duties and functions of the State Board of Mediation to the Labor and Industrial Relations Commission of Missouri	July 1, 2005	30 MoReg 1612
<b>05-17</b>	Declares a DROUGHT ALERT for the counties of Bollinger, Butler, Cape Girardeau, Carter, Dunklin, Howell, Iron, Madison, Mississippi, New Madrid, Oregon, Pemiscot, Perry, Pike, Ralls, Reynolds, Ripley, Ste. Francois, Ste. Genevieve, Scott, Shannon, Stoddard and Wayne	July 5, 2005	30 MoReg 1693
<b>05-18</b>	Directs the Director of the Department of Insurance to adopt rules to protect consumer privacy while providing relevant information about insurance companies to the public	July 12, 2005	30 MoReg 1695
<b>05-19</b>	Creates the Insurance Advisory Panel to provide advice to the Director of Insurance	July 19, 2005	30 MoReg 1786
<b>05-20</b>	Establishes the Missouri Homeland Security Advisory Council. Creates the Division of Homeland Security within the Department of Public Safety. Rescinds Executive Orders 02-15 and 02-16	July 21, 2005	30 MoReg 1789
<b>05-21</b>	Creates and amends Meramec Regional Planning Commission to include Pulaski County	August 22, 2005	30 MoReg 2006
<b>05-22</b>	Establishes the State Retirement Consolidation Commission	August 26, 2005	30 MoReg 2008
<b>05-23</b>	Acknowledges regional state of emergency and temporarily waives regulatory requirements for vehicles engaged in interstate disaster relief	August 30, 2005	30 MoReg 2010
<b>05-24</b>	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Mississippi, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2013
<b>05-25</b>	Implements the Emergency Mutual Assistance Compact (EMAC) with the state of Louisiana, directs SEMA to activate the EMAC plan, authorizes use of the Missouri National Guard	August 30, 2005	30 MoReg 2015
<b>05-26</b>	Declares a state of emergency in Missouri and suspends rules and regulations regarding licensing of healthcare providers while treating Hurricane Katrina evacuees	September 2, 2005	30 MoReg 2129
<b>05-27</b>	Directs all relevant state agencies to facilitate the temporary licensure of any healthcare providers accompanying and/or providing direct care to evacuees	September 2, 2005	30 MoReg 2131
<b>05-28</b>	Declares that a State of Emergency exists in the State of Missouri, directs that the Missouri State Emergency Operations Plan be activated, and authorizes the use of state agencies to provide support to the relocation of Hurricane Katrina disaster victims	September 4, 2005	30 MoReg 2133

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05-29	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 4, 2005	30 MoReg 2135
05-30	Governor Matt Blunt establishes the Office of Supplier and Workforce Diversity to replace the Office of Equal Opportunity. Declares policies and procedures for procuring goods and services and remedying discrimination against minority and women-owned business enterprises	September 8, 2005	30 MoReg 2137
05-31	Assigns the Missouri Community Service Commission to the Department of Economic Development	September 14, 2005	30 MoReg 2227
05-32	Grants leave to additional employees participating in disaster relief services	September 16, 2005	30 MoReg 2229
05-33	Directs the Department of Corrections to lead an interagency steering team for the Missouri Reentry Process (MRP)	September 21, 2005	30 MoReg 2231
05-34	Orders the Adjutant General to call into active service portions of the militia in response to the influx of Hurricane Rita victims	September 23, 2005	30 MoReg 2233
05-35	Declares a State of Emergency, directs the State Emergency Operations Plan be activated, and authorizes use of state agencies to provide support for the relocation of Hurricane Rita victims	September 23, 2005	30 MoReg 2235
05-36	Acknowledges regional state of emergency and temporarily waives regulatory requirements for commercial vehicles engaged in interstate disaster relief	September 23, 2005	30 MoReg 2237
05-37	Closes state offices on Friday, November 25, 2005	October 11, 2005	30 MoReg 2383
05-38	Implements the EMAC with the State of Florida in response to Hurricane Wilma	October 21, 2005	30 MoReg 2470
05-39	Acknowledges continuing regional state of emergency, temporarily limits regulatory requirements for commercial vehicles engaged in interstate disaster relief, and rescinds orders 05-23 and 05-36	October 25, 2005	30 MoReg 2472
05-40	Amends Executive Order 98-15 to increase the Missouri State Park Advisory Board from eight to nine members	October 26, 2005	30 MoReg 2475
05-41	Creates and establishes the Governor's Advisory Council for Veterans Affairs	November 14, 2005	30 MoReg 2552
05-42	Establishes the National Incident Management System (NIMS) as the standard for emergency incident management in the State of Missouri	November 14, 2005	30 MoReg 2554
05-43	Creates and establishes the Hispanic Business, Trade and Culture Commission and abolishes the Missouri Governor's Commission on Hispanic Affairs	November 30, 2005	31 MoReg 93
05-44	Declares a state of emergency and activates the Missouri State Emergency Operations Plan as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 96
05-45	Directs the Adjutant General to activate the organized militia as needed as a result of the failure of the dam at Taum Sauk Reservoir	December 14, 2005	31 MoReg 97
05-46	Creates and establishes the Missouri Energy Task Force	December 27, 2005	31 MoReg 206
05-47	Directs that the issuance of overdimension and overweight permits by the Missouri Department of Transportation for commercial motor carriers engaged in cleanup efforts in Reynolds County resulting from the Taum Sauk Upper Reservoir failure shall be subject to interim application requirements	December 29, 2005	31 MoReg 279

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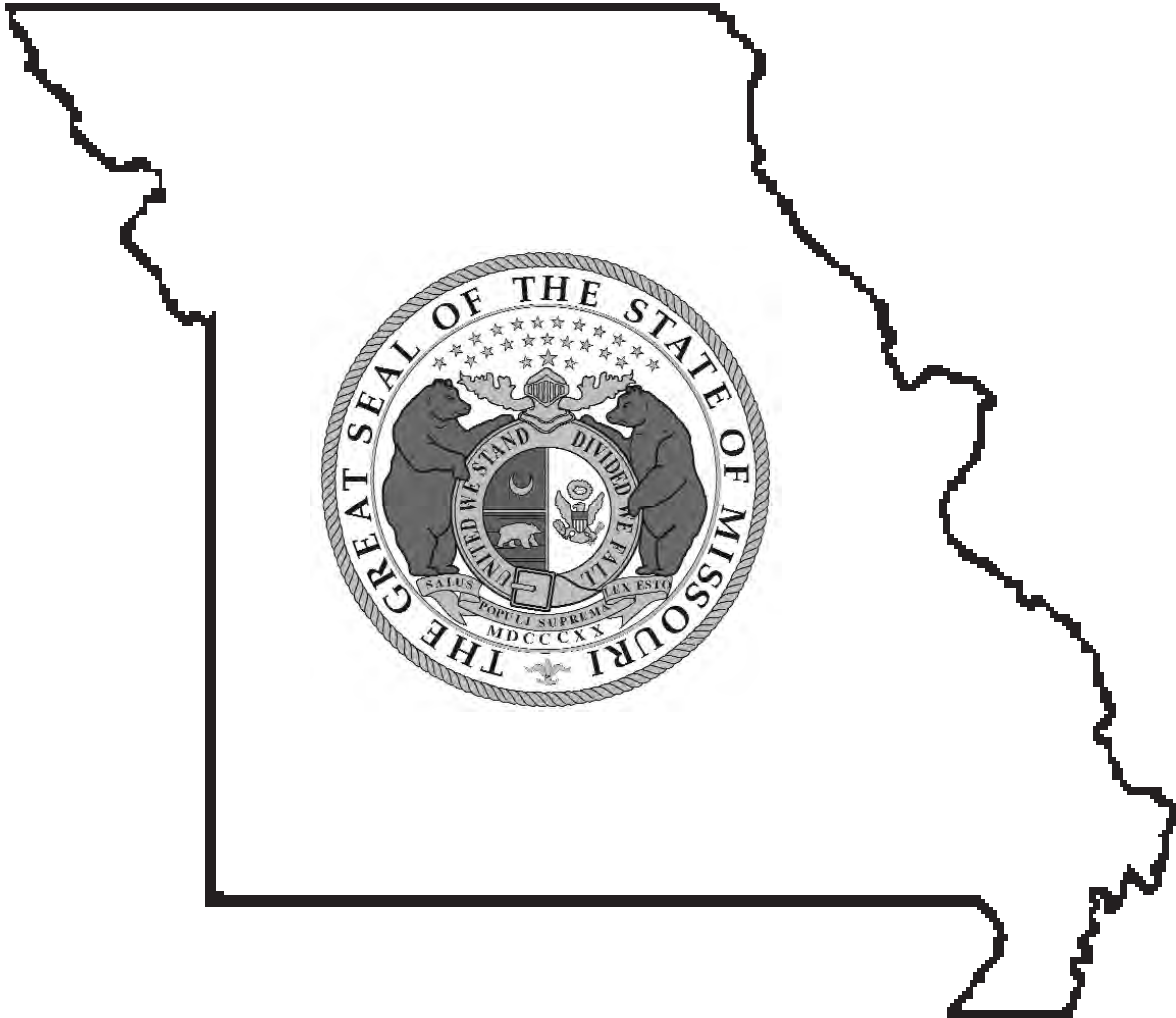
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